

MICROCOPY

892

ROLL

93

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Microfilm Publication M892

RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA v. CARL KRAUCH ET AL. (CASE VI)

AUGUST 14, 1947-JULY 30, 1948

Roll 93

Defense Document Books

Schneider(part), 10-11

von Schnitzler(part), 1-8



**THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1976

INTRODUCTION

On the 113 rolls of this microfilm publication are reproduced the records of Case VI, *United States of America v. Carl Krauch et al.* (I. G. Farben Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal (IMT) held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs and statements, and defendants' final pleas as well as prosecution and defense exhibits and document books in one language or the other. Also included are minute books, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 43 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. Prosecution statements and briefs are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. Unbound prosecution exhibits, numbered 1-2270 and 2300-2354, are essentially those documents from various Nuernberg record series, particularly the NI (Nuernberg Industrialist) Series, and other sources offered in evidence by the prosecution in this case. Defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically, along with two groups of exhibits submitted in the general interest of all defendants. Both prosecution and defense document books consist of full or partial translations of exhibits into English. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

Minute books, in two bound volumes, summarize the transcripts. The official court file, in nine bound volumes, includes the progress docket, the indictment, and amended indictment and the service thereof; applications for and appointments of defense counsel and defense witnesses and prosecution comments thereto; defendants' application for documents; motions and reports; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Defendants' clemency petitions, in three bound volumes, were directed to the military governor, the Judge Advocate General, and the U.S. District Court for the District of Columbia. The finding aids summarize transcripts, exhibits, and the official court file.

Case VI was heard by U.S. Military Tribunal VI from August 14, 1947, to July 30, 1948. Along with records of other Nuernberg

and Far East war crimes trials, the records of this case are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The I. G. Farben Case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weizsaecker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the IMT against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943; Executive Order 9547 of May 2, 1945; the London Agreement of August 8, 1945; the Berlin Protocol of October 6, 1945; and the IMT Charter.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. Procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the IMT and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

Formation of the I. G. Farben Combine was a stage in the evolution of the German chemical industry, which for many years led the world in the development, production, and marketing of organic dyestuffs, pharmaceuticals, and synthetic chemicals. To control the excesses of competition, six of the largest chemical firms, including the Badische Anilin & Soda Fabrik, combined to form the Interessengemeinschaft (Combine of Interests, or Trust) of the German Dyestuffs Industry in 1904 and agreed to pool technological and financial resources and markets. The two remaining chemical firms of note entered the combine in 1916. In 1925 the Badische Anilin & Soda Fabrik, largest of the firms and already the majority shareholder in two of the other seven companies, led in reorganizing the industry to meet the changed circumstances of competition in the post-World War markets by changing its name to the I. G. Farbenindustrie Aktiengesellschaft, moving its home office from Ludwigshafen to Frankfurt, and merging with the remaining five firms.

Farben maintained its influence over both the domestic and foreign markets for chemical products. In the first instance the German explosives industry, dependent on Farben for synthetically produced nitrates, soon became subsidiaries of Farben. Of particular interest to the prosecution in this case were the various agreements Farben made with American companies for the exchange of information and patents and the licensing of chemical discoveries for foreign production. Among the trading companies organized to facilitate these agreements was the General Anilin and Film Corp., which specialized in photographic processes. The prosecution charged that Farben used these connections to retard the "Arsenal of Democracy" by passing on information received to the German Government and providing nothing in return, contrary to the spirit and letter of the agreements.

Farben was governed by an Aufsichtsrat (Supervisory Board of Directors) and a Vorstand (Managing Board of Directors). The Aufsichtsrat, responsible for the general direction of the firm, was chaired by defendant Krauch from 1940. The Vorstand actually controlled the day-to-day business and operations of Farben. Defendant Schmitz became chairman of the Vorstand in 1935, and 18 of the other 22 original defendants were members of the Vorstand and its component committees.

Transcripts of the I. G. Farben Case include the indictment of the following 24 persons:

Otto Ambros: Member of the Vorstand of Farben; Chief of Chemical Warfare Committee of the Ministry of Armaments and War Production; production chief for Buna and poison gas; manager of Auschwitz, Schkopau, Ludwigshafen, Oppau, Gendorf, Dyhernfurth, and Falkenhagen plants; and Wehrwirtschaftsfuehrer.

Max Brueggemann: Member and Secretary of the Vorstand of Farben; member of the legal committee; Deputy Plant Leader of the Leverkusen Plant; Deputy Chief of the Sales Combine for Pharmaceuticals; and director of the legal, patent, and personnel departments of the Works Combine, Lower Rhine.

Ernst Buergin: Member of the Vorstand of Farben; Chief of Works Combine, Central Germany; Plant Leader at the Bitterfeld and Wolfen-Farben plants; and production chief for light metals, dyestuffs, organic intermediates, plastics, and nitrogen at these plants.

Heinrich Buetefisch: Member of the Vorstand of Farben; manager of Leuna plants; production chief for gasoline, methanol, and chlorine electrolysis production at Auschwitz and Moosbierbaum; Wehrwirtschaftsfuehrer; member of the Himmler Freundeskreis (circle of friends of Himmler); and SS Obersturmbannfuehrer (Lieutenant Colonel).

Walter Duerrfeld: Director and construction manager of the Auschwitz plant of Farben, director and construction manager of the Monowitz Concentration Camp, and Chief Engineer at the Leuna plant.

Fritz Gajewski: Member of the Central Committee of the Vorstand of Farben, Chief of Sparte III (Division III) in charge of production of photographic materials and artificial fibers, manager of "Agfa" plants, and Wehrwirtschaftsfuehrer.

Heinrich Gattineau: Chief of the Political-Economic Policy Department, "WIPO," of Farben's Berlin N.W. 7 office; member of Southeast Europe Committee; and director of A.G. Dynamit Nobel, Pressburg, Czechoslovakia.

Paul Haefliger: Member of the Vorstand of Farben; member of the Commercial Committee; and Chief, Metals Departments, Sales Combine for Chemicals.

Erich von der Heyde: Member of the Political-Economic Policy Department of Farben's Berlin N.W. 7 office, Deputy to the Chief of Intelligence Agents, SS Hauptsturmfuehrer, and member of the WI-RUE-AMT (Military Economics and Armaments Office) of the Oberkommando der Wehrmacht (OKW) (High Command of the Armed Forces).

Heinrich Hoerlein: Member of the Central Committee of the Vorstand of Farben; chief of chemical research and development of vaccines, sera, pharmaceuticals, and poison gas; and manager of the Elberfeld Plant.

Max Ilgner: Member of the Vorstand of Farben; Chief of Farben's Berlin N.W. 7 office directing intelligence, espionage, and propaganda activities; member of the Commercial Committee; and Wehrwirtschaftsfuehrer.

Friedrich Jaehne: Member of the Vorstand of Farben; chief engineer in charge of construction and physical plant development; Chairman of the Engineering Committee; and Deputy Chief, Works Combine, Main Valley.

August von Knieriem: Member of the Central Committee of the Vorstand of Farben; Chief Counsel of Farben; and Chairman, Legal and Patent Committees.

Carl Krauch: Chairman of the Aufsichtsrat of Farben and Generalbevollmaechtigter fuer Sonderfragen der Chemischen Erzeugung (General Plenipotentiary for Special Questions of Chemical Production) on Goering's staff in the Office of the 4-Year Plan.

Hans Kuehne: Member of the Vorstand of Farben; Chief of the Works Combine, Lower Rhine; Plant Leader at Leverkusen, Elberfeld, Uerdingen, and Dormagen plants; production chief for inorganics, organic intermediates, dyestuffs, and pharmaceuticals at these plants; and Chief of the Inorganics Committee.

Hans Kugler: Member of the Commercial Committee of Farben; Chief of the Sales Department Dyestuffs for Hungary, Rumania, Yugoslavia, Greece, Bulgaria, Turkey, Czechoslovakia, and Austria; and Public Commissar for the Falkenau and Aussig plants in Czechoslovakia.

Carl Lautenschlaeger: Member of the Vorstand of Farben; Chief of Works Combine, Main Valley; Plant Leader at the Hoechst, Griesheim, Mainkur, Gersthofen, Offenbach, Eystrup, Marburg, and Neuhausen plants; and production chief for nitrogen, inorganics, organic intermediates, solvents and plastics, dyestuffs, and pharmaceuticals at these plants.

Wilhelm Mann: Member of the Vorstand of Farben, member of the Commercial Committee, Chief of the Sales Combine for Pharmaceuticals, and member of the SA.

Fritz ter Meer: Member of the Central Committee of the Vorstand of Farben; Chief of the Technical Committee of the Vorstand that planned and directed all of Farben's production; Chief of Sparte II in charge of production of Buna, poison gas, dyestuffs, chemicals, metals, and pharmaceuticals; and Wehrwirtschaftsfuehrer.

Heinrich Oster: Member of the Vorstand of Farben, member of the Commercial Committee, and manager of the Nitrogen Syndicate.

Hermann Schmitz: Chairman of the Vorstand of Farben, member of the Reichstag, and Director of the Bank of International Settlements.

Christian Schneider: Member of the Central Committee of the Vorstand of Farben; Chief of Sparte I in charge of production of nitrogen, gasoline, diesel and lubricating oils, methanol, and organic chemicals; Chief of Central Personnel Department, directing the treatment of labor at Farben plants; Wehrwirtschaftsfuehrer; Hauptabwehrbeauftragter (Chief of Intelligence Agents); Hauptbetriebsfuehrer (Chief of Plant Leaders); and supporting member of the Schutzstaffeln (SS) of the NSDAP.

Georg von Schnitzler: Member of the Central Committee of the Vorstand of Farben, Chief of the Commercial Committee of the Vorstand that planned and directed Farben's domestic and foreign sales and commercial activities, Wehrwirtschaftsfuehrer (Military Economy Leader), and Hauptsturmfuehrer (Captain) in the Sturmabteilungen (SA) of the Nazi Party (NSDAP).

Carl Wurster: Member of the Vorstand of Farben; Chief of the Works Combine, Upper Rhine; Plant Leader at Ludwigs-hafen and Oppau plants; production chief for inorganic chemicals; and Wehrwirtschaftsfuehrer.

The prosecution charged these 24 individual staff members of the firm with various crimes, including the planning of aggressive war through an alliance with the Nazi Party and synchronization of Farben's activities with the military planning of the German High Command by participation in the preparation of the 4-Year Plan, directing German economic mobilization for war, and aiding in equipping the Nazi military machines.¹ The defendants also were charged with carrying out espionage and intelligence activities in foreign countries and profiting from these activities. They participated in plunder and spoliation of Austria, Czechoslovakia, Poland, Norway, France, and the Soviet Union as part of a systematic economic exploitation of these countries. The prosecution also charged mass murder and the enslavement of many thousands of persons particularly in Farben plants at the Auschwitz and Monowitz concentration camps and the use of poison gas manufactured by the firm in the extermination

¹The trial of defendant Brueggemann was discontinued early during the proceedings because he was unable to stand trial on account of ill health.

of millions of men, women, and children. Medical experiments were conducted by Farben on enslaved persons without their consent to test the effects of deadly gases, vaccines, and related products. The defendants were charged, furthermore, with a common plan and conspiracy to commit crimes against the peace, war crimes, and crimes against humanity. Three defendants were accused of membership in a criminal organization, the SS. All of these charges were set forth in an indictment consisting of five counts.

The defense objected to the charges by claiming that regulations were so stringent and far reaching in Nazi Germany that private individuals had to cooperate or face punishment, including death. The defense claimed further that many of the individual documents produced by the prosecution were originally intended as "window dressing" or "howling with the wolves" in order to avoid such punishment.

The tribunal agreed with the defense in its judgment that none of the defendants were guilty of Count I, planning, preparation, initiation, and waging wars of aggression; or Count V, common plans and conspiracy to commit crimes against the peace and humanity and war crimes.

The tribunal also dismissed particulars of Count II concerning plunder and exploitation against Austria and Czechoslovakia. Eight defendants (Schmitz, von Schnitzler, ter Meer, Buergin, Haefliger, Ilgner, Oster, and Kugler) were found guilty on the remainder of Count II, while 15 were acquitted. On Count III (slavery and mass murder), Ambros, Buetefisch, Duerrfeld, Krauch, and ter Meer were judged guilty. Schneider, Buetefisch, and von der Heyde also were charged with Count IV, membership in a criminal organization, but were acquitted.

The tribunal acquitted Gajewski, Gattineau, von der Heyde, Hoerlein, von Knieriem, Kuehne, Lautenschlaeger, Mann, Schneider, and Wurster. The remaining 13 defendants were given prison terms as follows:

<u>Name</u>	<u>Length of Prison Term (years)</u>
Ambros	8
Buergin	2
Buetefisch	6
Duerrfeld	8
Haefliger	2
Ilgner	3
Jaehne	1 1/2
Krauch	6
Kugler	1 1/2
Oster	2
Schmitz	4
von Schnitzler	5
ter Meer	7

All defendants were credited with time already spent in custody.

In addition to the indictments, judgments, and sentences, the transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty) and opening statements of both defense and prosecution.

The English-language transcript volumes are arranged numerically, 1-43, and the pagination is continuous, 1-15834 (page 4710 is followed by pages 4710(1)-4710(285)). The German-language transcript volumes are numbered 1a-43a and paginated 1-16224 (14a and 15a are in one volume). The letters at the top of each page indicate morning, afternoon, or evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Two commission hearings are included in the transcripts: that for February 7, 1948, is on pages 6957-6979 of volume 20 in the English-language transcript, while that for May 7, 1948, is on pages 14775a-14776 of volume 40a in the German-language transcript. In addition, the prosecution made one motion of its own and, with the defense, six joint motions to correct the English-language transcripts. Lists of the types of errors, their location, and the prescribed corrections are in several volumes of the transcripts as follows:

- First Motion of the Prosecution, volume 1
- First Joint Motion, volume 3
- Second Joint Motion, volume 14
- Third Joint Motion, volume 24
- Fourth Joint Motion, volume 29
- Fifth Joint Motion, volume 34
- Sixth Joint Motion, volume 40

The prosecution offered 2,325 prosecution exhibits numbered 1-2270 and 2300-2354. Missing numbers were not assigned due to the difficulties of introducing exhibits before the commission and the tribunal simultaneously. Exhibits 1835-1838 were loaned to an agency of the Department of Justice for use in a separate matter, and apparently No. 1835 was never returned. Exhibits drew on a variety of sources, such as reports and directives as well as affidavits and interrogations of various individuals. Maps and photographs depicting events and places mentioned in the exhibits are among the prosecution resources, as are publications, correspondence, and many other types of records.

The first item in the arrangement of prosecution exhibits is usually a certificate giving the document number, a short description of the exhibits, and a statement on the location of the original document or copy of the exhibit. The certificate is followed by the actual prosecution exhibit (most are photostats,

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

but a few are mimeographed articles with an occasional carbon of the original). The few original documents are often affidavits of witnesses or defendants, but also ledgers and correspondence, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
322	NI 5140	1558	NI 11411
918	NI 6647	1691	NI 12511
1294	NI 14434	1833	NI 12789
1422	NI 11086	1886	NI 14228
1480	NI 11092	2313	NI 13566
1811	NI 11144		

In rare cases an exhibit is followed by a translation; in others there is no certificate. Several of the exhibits are of poor legibility and a few pages are illegible.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, Reichgesetzblatt excerpts, photographs, and other items. The 4,257 exhibits for the 23 defendants are arranged by name of defendant and thereunder by exhibit number. Individual exhibits are preceded by a certificate wherever available. Two sets of exhibits for all the defendants are included.

Translations in each of the prosecution document books are preceded by an index listing document numbers, biased descriptions, and page numbers of each translation. These indexes often indicate the order in which the prosecution exhibits were presented in court. Defense document books are similarly arranged. Each book is preceded by an index giving document number, description, and page number for every exhibit. Corresponding exhibit numbers generally are not provided. There are several unindexed supplements to numbered document books. Defense statements, briefs, pleas, and prosecution briefs are arranged alphabetically by defendant's surname. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

At the beginning of roll 1 key documents are filmed from which Tribunal VI derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the IMT Charter, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of members of the tribunal and counsels. These are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by the minute book, consisting of summaries of the daily proceedings, thus providing an additional finding aid for the transcripts. Exhibits are listed in an index that notes the

type, number, and name of exhibit; corresponding document book, number, and page; a short description of the exhibit; and the date when it was offered in court. The official court file is summarized by the progress docket, which is preceded by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of the English-language document books.

The records of the I. G. Farben Case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the IMT, T988; NI (Nuernberg Industrialist) Series, T301; NM (Nuernberg Miscellaneous) Series, M-936; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; NP (Nuernberg Propaganda) Series, M942; WA (undetermined) Series, M946; and records of the Brandt case, M887; the Milch Case, M888; the Altstoetter case, M889; the Pohl Case, M890; the Flick Case, M891; the List case, M893; the Greifelt case, M894; and the Ohlendorf case, M895. In addition, the record of the IMT at Nuernberg has been published in the 42-volume *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947). Excerpts from the subsequent proceedings have been published in 15 volumes as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (Washington). The Audiovisual Archives Division of the National Archives and Records Service has custody of motion pictures and photographs of all 13 trials and sound recordings of the IMT proceedings.

Martin K. Williams arranged the records and, in collaboration with John Mendelsohn, wrote this introduction.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 93

Target 1

Schneider (part)

10-11

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Case 6
Defense

Document Book X SCHNEIDER
SCHNEIDER Doc. No.

DOCUMENT BOOK

for

Dr. Christian SCHNEIDER

No. 10

submitted by the
Defense Counsel
Dr. Hellmuth DIX.

Dix



Document Book X SCHNEIDER
SCHNEIDER Doc. No. ...

I n d e x

of Document Book 10

for Dr. Christian SCHNEIDER.

Doc. No.	Exh. No.	Contents	Page
		<u>Counts III and IV.</u>	
268		Originals or photostats of title pages and pages of text of the illustrated Regulations for the Prevention of Accidents Comprising nearly 50 pages of the Karseburg Ammonia Works in Leuna, 1944, written in French and several Slav languages	1 - 2
205		Affidavit of Dr. Werner MUSTROFF concerning Dr. SCHNEIDER's person (number 2), The organization of social matters in Leuna, (number 3), the attitude of the works management towards the question of foreign workers (numbers 4 and 6), Dr. SCHNEIDER's endeavors for the improvement of the food of the inmates of correction camps (number 5), the allocation of PW's in accordance with the prevailing regulations (number 7), the treatment of convicts (number 8), (number 9) "As has already been mentioned Dr. SCHNEIDER attached the greatest importance to the correct and fair treatment of the foreign workers. In this connection I remember another case of Dr. SCHNEIDER taking action himself. When investigations proved, for instance, that three leading officials of the personnel department had accepted some small pieces of butter from the manager of the mess-room of a foreign workers' camp Dr. SCHNEIDER took steps for the dismissal of these men." Measures for Airraid Protection and Mobilization Plans, taken by the authorities	3 - 7
197		Affidavit of Dr. Heinrich STROEBECK of 7 July 1947 concerning the endeavors of the plant management of the Leuna Works, and in particular of SCHNEIDER, for the improvement of the situation of the foreign workers, and in particular as regards the Eastern Workers' Tax, and the consequences of the heavy air raids on Leuna	8 - 10

Document Book X SCHNEIDER
SCHNEIDER Doc. No.

Doc.No.	Ex.No.	Contents	Page
114		Excerpt from the digest of the Reich Labor Minister concerning the employment of PW's in places of work such as f.i. in Hydrogenation Works (II, no.6)	11 - 16
269		Affidavit of Dr.Guenther MAUNTZ, of 30 January 1948 Welfare for PW's during the war, concerning supplies to and employment of PW's.	17 - 18
177		Affidavit of Dr.Hellmuth HANISCH of 9 January 1948 plus enclosure concerning the evacuation of leading chemists from Leuna, SCHNEIDER's personality, his intervention on behalf of people persecuted for political reasons, the nature of production in Leuna the treatment of foreign workers in these works, the employment and reasons for the employment of children, the employment of convicts, French PW's and inmates of correction camps.	

"p. 1).. Dr.SCHNEIDER was not only an eminent technician, but, above all, a very fair superior (p. 3) ... The nature of the Leuna production was of course thus that the products produced there, which were mostly basic elements of the chemical industry, were purely peace-time products in times of peace, but could also be used for war-time production in times of war. The endeavors of the entire works management up to the last months of the war, centered upon investments for peace-time production only or at least for such a production as could be easily used for peace-time purposes from the angle of raw materials as well as of that of machinery. During the war, the authorities, fully conversant with the capacity of the plant, imposed on the works certain production quotas for all products, and these impositions had to be met ... (p.4). The foreign workers received camp food which amounted approximately to one and a half-time of the food of an average consumer

Doc. No.	Exh. No.	Contents	Page
----------	----------	----------	------

(p.4) I visited some camps myself and got an impression of the excellent state of the food situation there. The camps consisted partly of wooden huts (Baracken) which had been built recently and partly in newly built stone barracks which had been taken over from the Wehrmacht, and partly of hotels and inns which had either been purchased or leased in order to accommodate the foreign workers. As far as I know, these camps were not overcrowded in any way, and only immediately after air raids, when camps had been destroyed space was somehow restricted, but this condition applied to the town population as well. I know that the workers, in particular those from the Western countries, went on leave regularly, more frequently in the beginning and in greater intervals later, and that some of them even brought other workers back with them who found employment in the plant. I have never seen that foreign workers were maltreated. In consideration of the attitude of the plant management, any maltreatments would have been punished severely, too. As regards the sector of the organic department of the Leuna Works whose director I was, I do not know of even one case of a foreign worker being reported to the Gestapo for negligence in his work and that he was punished consequently. As far as I know, the management made use of such methods in very few cases only and whenever there were very cogent reasons

(p.5) Approximately 80 children were with these families of about 12 years of age. As these children were loitering in the neighborhood of their camps in the beginning, they had to be occupied somehow. The children were given clothes and then they were employed on easy auxiliary work for some hours daily, such as going errands, auxiliary work in the laboratories and work shops.

Document Book X SCHNEIDER
SCHNEIDER Doc. No.

Doc. No.	Exh. No.	Contents	Page
		The older ones received a professional training in the work shops in the same manner as German apprentices ... (p.6). The PW-camps were under the control of the Wehrmacht, and I could never visit them therefore. The nature of their employment was determined by the authorities via the respective department of the plant. No prisoners of war were employed in the few departments which produced material directly serving war purposes and the products of which bore assumed names, such as Isoktan and lubricants for air planes	19 - 27
201		Affidavit of Dr. Wilhelm WEIDENE of 24 November 1947 concerning working conditions for foreign workers, in particular concerning the equality of treatment as regards working time, working place, working clothes, leaves and wages and the computation of the latter, the additional training (p.5) and output of foreign workers (p.9), the special treatment of the Eastern workers (p.9), and the living conditions of foreign workers (p.10).	28 - 38

Document Book X SCHNEIDER
SCHNEIDER Doc. No.

Doc. No.	Exh. No.	Contents	Page
270		Affidavit of Fritz RUDLOFF of 8 January 1948 plus an enclosure concerning the employment of foreign workers, the conditions in the camps and the establishment of schools and kindergartens.	39 - 41
134		Affidavit of Dr. Kurt HILL of 9 January 1948 concerning working conditions of female inmates of correction camps, the treatment of foreign workers, SCHNEIDER's attitude in this connection, and the procedure in cases of violations of the plant regulations. (p.3). "No case has come to my knowledge in my department of a foreign worker being reported to the Gestapo. I know only of one single case which concerned a German worker who attempted to leave the works before closing time and had tools belonging to the works and a note-book containing prohibited political jokes. He was stopped at the exit by the guard and reported to the authorities dealing with the Security of the Plant."	42 - 44
187		Affidavit of Dr. Fritz KOEGLER of 9 January 1948 concerning the employment and treatment of foreigners and PW's. P. 2 "I myself am in correspondence with some of the PW's and they express to me their gratitude for the humane way in which they were treated. This exchange of letters is a proof for the human relations between us and the foreign workers in Leuna. Such relations were not only permitted by the management, but even furthered."	45 - 46
190		Affidavit of Ernst FALNTEK of 9 January 1948 concerning employment and treatment of PW's and foreign workers in Leuna. The mild enforcement of discipline and the fair attitude of SCHNEIDER towards such employees and workers as were not members of the NSDAP.	47 - 50

Document Book X SCHNEIDER
SCHNEIDER Doc. No.

Doc. No.	Exh.No.	Contents	Page
195		Affidavit of Guido SCHOBINGER of 8 January 1948 concerning the enlistment of foreign workers in Louna. P. 2 "It is remarkable in particular that the "shelter soup" (Bunkersuppe) was uniformly prepared for the entire staff regardless of all nationalities, and no exceptions were made either for Germans, Eastern Workers or PW's. This is remarkable because, under the prevailing regulations, Eastern workers and PW's were not to receive potatoes, only turnips".	51 - 53
196		Affidavit of Dr. Max SPETHANN of 25 August 1947 concerning medical care for foreign workers in Louna.	54 - 58
179		Affidavit of Dr. med. Hans HEINZE of 5 December 1947 concerning medical service in the Louna Works, in particular in the camps for foreign workers and the hygienic installations there.	59 - 61
172		Affidavit of Karl FENDEL-SARTORIUS of 12 August 1947 concerning SCHNEIDER's social attitude as regards the foreign workers, and the conflicts between the Louna management and the Gestapo. P. 2."Under the prevailing regulations, men who were not willing to work had to be reported to the Gestapo. Dr. SCHNEIDER avoided such reports as far as possible and made recourse to them, only in spite of repeated admonitions of the Gestapo, in very rare and important cases and only if it was impossible to avoid doing so because of SD-spies who were in the plant. For instance, I still remember some cases of Eastern workers having looted after aid-raids. In consideration of the fact that such acts were threatened with the death penalty, Dr.SCHNEIDER omitted to make reports to the Gestapo, although this behavior could have had very dangerous consequences for him." P.3 "The correction camp was under the exclusive control of the Gestapo. The plant had no influence on the administration of the camp, neither as regards the food nor the treatment of the inmates of this camp."	62 - 65

Document Book X SCHNEIDER
 SCHNEIDER Doc. No.

Doc. No.	Exh. No.	Contents	Page
204		Affidavit of Dr. Werner WUSTROW of 21 August 1947, in particular concerning the difficulties between the plant and the SS.	66 - 68
198		Affidavit of Dr. Heinrich STROMBECK of 7 July 1947 concerning the pressure which the Gestapo exercised when establishing the correction camps and concerning SCHNEIDER's attitude on the occasion of some accidents at the von der HEYDT Mine.	69 - 70
135		Excerpt from "Civil Cases, 101st volume, p. 322 : Judgment of the 6th Civil Chamber of 14 February 1921 concerning the admissibility of protective detention in view of the cancellation of the constitutional guarantee of personal liberty.	71 - 72
125		Excerpt from the "Neue Juristische Wochenschrift" 1947, F. 25: Judgment of the Frankfurt District Court of appeal, dated 7 August 47, finding that a charge lodged by a plant manager with the Gestapo in accordance with the prevailing regulations is not a crime against Humanity.	73 - 75
126		Excerpt from Mil. Gov. Law No. 2 which states that the Military Government is authorized to set aside all judgments of German Courts through administrative channels	76
143		Excerpt from the "Fuehrer Conference" on 3 and 5 June 1944 (Speer Exh.13). "The attention of the Fuehrer was drawn to the fact that 30 000 to 40 000 escaped workers and POW's, were recaptured by the police every month and that the same were treated as prisoners of concentration camps and employed for SS-projects." (See Volume VI P. 38)	
147		Excerpt from the "Muerzburg Laborations on German and Foreign Regulations for Legal Proceedings" by Dr. Otto WEILER, Leipzig 1923: PP 44 - 45 : "Employment of Inmates of Penitentiaries under Reich Law and the respective Drafts, with special consideration with regard of Bavarian conditions. Concerning compensations for the work of convicts which, in 1923, did not exceed 0. 25 Reich Mark per day.	78 - 80

Document Book X SCHNEIDER
 SCHNEIDER Doc. No.

Doc. No.	Exh.No.	Contents	Page
194		Affidavit of Dr. Ing. Hans SAUER of 5 January 1948 concerning his journey to Auschwitz with Dr. SCHNEIDER and his observations on this occasion.	81 - 82
132		Secret Order of Adolf HITLER: I.T, Gestapo Exh. NO 25	83
131		Excerpt from the cross-examination of the witness Camille SACHS concerning his knowledge of the conditions in German concentration camps.	84 - 90
121		Excerpt from Joh. NEUHAEUSER's "Cross and Swastica", Published by "The Catholic Church of Bavaria", Munich, concerning the general knowledge of concentration camps and the obstacles put in the way for the exercise of Spiritual Care in prisons, camps of PW's and foreign workers	91 - 94
130		Excerpt from "The SS-State" by Eugen KOGON, 1946, p. 11 concerning the correction camps, improvement of the conditions in concentration camps during the war in 1940 - 44, owing to the utilization of the labor of inmates for war-important production; the indispensable internal installations, such as crematoria (furnaces); the knowledge of the German people as regards concentration camps.	95 - 97
87		Excerpt from a letter by Dr. Walter SCHIEBER (Burkart Exh. 114-SPEER Doc.B II), directed to Reich Minister SPEER on 7 May 44. "Then there is in addition the demand of the SS which asks for many of the Jewish in particular female, labor who are working in the supply industry, and here in the electrotechnical branch and, who I assert work with pleasure and particular diligence. In consideration of the food which our managers manage to provide inspite of all difficulties for the laborers and in consideration of the generally decent and humane treatment of the foreign workers and inmates of concentration camps, the Jewish women as well as the inmates of concentration camps are working well in order not to be sent back to the concentration camps".	98 - 100

Document Book X SCHNEIDER
SCHNEIDER Doc. No.

Doc. No.	Exh. No.	Contents	Page
128		Excerpt from: "Nazis and Germans", a Record of Personal Experience by Harold Picton, London 1940 Concerning the ignorance of the Germans as regards the cruelties of the Gestapo	101 - 102
146		Excerpt from: Max PRIBILLA", Germany After The Collapse", Vol. 1947, concerning the impossibility of gathering knowledge regarding condi- tions in concentration camps and of taking steps for the remedy of such conditions without serious conse- quences.	103 - 105
118		Excerpt from the Bulletin of the Bavarian Ministry for Special Task of 3 September 1947	106
144		Excerpt from the Bulletin of the Bavarian Ministry for Special Tasks No. 7/8/9/, of 15 October 1947: P. 1): "Active membership in the SS was not yet sufficient for the re- cognition of political reliability".	107
185		Affidavit of Heinrich HOFELICH of 28 September 1947 concerning SCHNEIDER's personality and his position as an active member of the SS	108 - 109

Document Book X SCHNEIDER
SCHNEIDER Doc. No.

This is to certify that all documents contained in
this document book are literal copies of the documents
submitted to the Court.

Nuernberg, 7 January 1948.

(Signature) Dr. Hellmuth DIX

Dr. Hellmuth DIX, Attorney-at-Law.

Clean yourself, particularly
your hands, thoroughly before
eating and before leaving the
factory.

(Text of picture:)

WASH YOUR HANDS

BEFORE EATING

PREVENT DISEASE

(The same in Russian on the
right side of the page.)

Disorder and wantonness
foster accidents.

(Text of picture:)

Pieces must not be put so as
to protrude beyond the
white (?) line!

Always keep exemplary
order and discipline; this
is also of the greatest im-
portance for the prevention
of accidents and disease.

ORDER PREVENTS ACCIDENTS

(The same in Russian on the
right side of the page.)

Be careful while lifting
and carrying any load,
particularly when transport-
ing receptacles containing
liquids. See that they are
well closed!

(Text of picture:)
DON'T CARRY ACIDS OR ALKALINE
SOLUTIONS IN FRAGILE CON-
TAINERS LIKE THIS
BUT PUT THE CONTAINER IN A
PAIL OR OTHER SUPPORT WITH
A HANDLE!

(The same in French on the right
side of the page.)

Never stand underneath
a suspended load - that is
extremely dangerous!

(Text of picture:)
DEATH IS LURKING UNDER
SUSPENDED LOADS!

(The same in French on the right
side of the page.)

Picture

WORK WITHOUT ACCIDENTS!

(In Russian):
Work under conditions
of safety

German/Russian

Ammoniakwerk Merseburg
1943

Picture

WORK WITHOUT ACCIDENTS!

(In Russian):
Work under conditions
of safety

German/Russian

Ammoniakwerk Merseburg
1944

Picture

WORK WITHOUT ACCIDENTS!

(In Croatian):
Work without accidents

German/Croatian

Ammoniakwerk Merseburg
1942

Safety Engineer

(In Russian):

Work under conditions of
safety

"WORK WITHOUT ACCIDENTS"

German/Russian

Ammoniakwerk Merseburg
G.m.b.H. (Limited Liability Company)
Leuna-Werke
(District Merseburg) 1941

Picture

WORK WITHOUT ACCIDENTS!

Ammoniakwerk Merseburg
1944

Picture

WORK WITHOUT ACCIDENTS!

(In French):
Work in safety from
accidents

German/French

Ammoniakwerk Merseburg
1944

Sei vorsichtig beim Anheben und Tragen von Lasten, insbesondere beim Transport von Behältern, die Flüssigkeiten enthalten. Achte auf guten Verschluß!



Sois prudent en soulevant et en transportant des charges, surtout s'il s'agit de transport de récipients contenant des liquides; assure-toi qu'ils soient bien fermés.

Fais avec précaution de porter les acides et les lessives dans des récipients fragiles. Fais comme cela en utilisant un seau ou autre support avec anse.

Halte Dich niemals unter schwebenden Lasten auf! Das ist gefährlich!



Ne te place jamais sous une charge suspendue — c'est très dangereux.

La mort guette sous les charges suspendues.

16

17

Reinige Dich, besonders Deine Hände, gründlich vor dem Essen und vor dem Verlassen des Werkes.



Обчищай себя, в особенности хорошо мой руки перед едой и перед уходом домой.

Перед едой вымой руки — предотвратишь болезнь!

Unordnung und Mutwillen begünstigen Unfälle.

Halte stets auf mustergetreue Ordnung und Disziplin; das ist auch für die Unfall- und Krankheitsverhütung von großer Bedeutung.



Беспорядок и нерадение увеличивают число несчастных случаев.

Держись всегда образцового порядка и дисциплины: это также очень важно для предохранения себя от несчастий и болезней.

Недопустимо класть обработанный предмет за белую черту! Порядок предотвращает несчастные случаи!

42

43



Arbeite unfallsicher!

Работая, соблюдай
условия безопасности!

Deutsch/Russisch

Ammoniakwerk Merseburg 1943



Arbeite unfallsicher!

Работая, соблюдай
условия безопасности!

Deutsch/Russisch

Ammoniakwerk Merseburg
1944



Arbeite unfallsicher!

Radi bezpogibeljno!

Deutsch/Kroatisch

Ammoniakwerk Merseburg 1942



Arbeite unfallsicher!

Ammoniakwerk Merseburg
1944



Arbeite unfallsicher!

Travaille à l'abri des accidents

Deutsch/Französisch

Ammoniakwerk Merseburg 1944.

A f f i d a v i t.

I, Dr. Werner TUSTROFF, resident of Goettingen, Northstrasse 1, have been first cautioned that I render myself liable to punishment if I make a false affidavit. I declare on oath that my statement corresponds to the truth and was made to be submitted as evidence to the Military Tribunal in the Palace of Justice, Nuernberg, Germany.

1) I was born on 4 July 1899 in Berlin-Karlshorst. After studying chemistry I worked up to 1927 with Professor Dr. STOCK and joined the I.G. Farbenindustrie in August 1927. At first, up to November 1927, I was employed at Oppau near Ludwigshafen. From November 1927 till the end of the war I worked in the Leuna Works. Until 1934 I was a chemist in the laboratory, until 1936 I worked as a production chemist in various plants and from 1936 onwards in the administration. At first I was assistant to the production manager Dr. von STADEN and after his death I became assistant to the general manager Dr. Christian SCHNEIDER.

2) On the strength of my working together with Herr Dr. SCHNEIDER, which extended over many years, I am in a position to comment on his just and social attitude. Dr. SCHNEIDER always showed himself exceedingly tolerant towards any one holding a different opinion. This, for instance, follows from the fact that a large part of the executives, that is to say his closest collaborators, were non-Party members and, according to the views prevalent at that time, were considered more or less as not having a clean political record. But also in filling the posts of plant managers and foremen, the personal efficiency was for Dr. SCHNEIDER the decisive factor.

(page 2 of original)

Then, finally, the employment of foreign workers in the Leuna Works could no longer be avoided, Dr. SCHNEIDER took the view that these alien workers should be treated in such a way so that later on they would say something good about their stay in Germany.

3) As for the organization and treatment of social matters in the Leuna Works I know the following:

The general social care was in the hands of the Personnel Department. The department was sub-divided, dealing with matters of workers and employees separately. Questions of camps were dealt with by an independent division called "Lagerbetreuung". Accommodation, feeding and social welfare were handled by these 3 divisions. Requests for manpower and their assignment were steered by the technical director Dr. STROMBECK for the technical departments and by the production manager Dr. von STADEN for the productive plants. The medical care was handled by the medical department. The general management was continually informed about these questions.

4) The employment of foreign workers occurred relatively late. Although the plant was short of manpower as early as 1938, attempts were made again and again to meet the demand by hiring German workers, already because of the linguistic and technical difficulties which were feared in the case of employment of workers who were not conversant with the German language. When the employment of foreigners could no longer be avoided, protests were raised in the case of each contingent drafted into the Ichnicht, and

(page 3 of origin-1)

by way of negotiations via the local representative of the Plenipotentiary General for Chemistry in Halle it was obtained in all cases that the number at first demanded was considerably reduced. I remember cases in which subsequently only half of the number requested had to be actually released.

That the general management endeavored to retain as many German workers as possible is evident also from the fact that the Plant was denounced for this very reason in 1943 and had thereupon to undergo an investigation conducted by General von UENH as the special delegate.

5) Concerning the food situation of the so-called P-prisoners I recollect that on the grounds of a report by the chief physician of the Plant regarding the absolutely insufficient rations in the prison camp Wendorfer Halde, Dr. SCHNEIDER lodged an energetic protest with the SS and demanded sufficient food.

6) The plant management demanded again and again that the foreigners be positively treated the same as the old regular workers, unless special exceptions were explicitly ordered by the Reich. This point of view of the general management was repeatedly communicated to the plant managers during production conferences. In particular they were reminded of the prohibition issued by the general manager concerning acts of violence against alien workers.

7) P.W.'s were first employed about 1941/42. In this the Plant strictly conformed to the instructions given by the German officers in command of the details, which, as far as I remember, laid great emphasis on the observance of the regulations of the Hague and Geneva Conventions.

(page 4 of original)

8) From about 1943 onwards normal prisoners of the judicial authorities from Halle - about 30 men - were also employed in the Leuna Works. These were mainly used in the laboratories of the organic department. According to the instructions by the authorities, they were to have as little contact as possible with the other workers. In time a good understanding developed between these men and the rest of the camp inmates.

9) As already mentioned, Dr. SCHNEIDER placed the greatest value on a correct and just treatment of alien workers. I still remember one case in which Dr. SCHNEIDER intervened personally. When it was established, for instance, that three executives of the personnel department had accepted some pieces of butter from the canteen manager of a camp for alien workers, Dr. SCHNEIDER had these men fired.

10) The Leuna Works never were an armament plant. That type of industrial plants was controlled by military agencies. Leuna was not controlled by military agencies, but was supervised by the Chamber of Industry and Commerce.

11) About the beginning in 1935 Government agencies demanded that the Plant should pay attention to questions of air raid protection. After discussions of a more casual nature which extended over several months, a central department under Chief Engineer DEINHARD was created which was entrusted with the task of carrying out the respective work. According to the instructions issued by the authorities, drills were held also, as far as I remember for the first time in 1936. Drills on a smaller scale as, for instance, of individual fire fighting details and of decontamination squads, etc., were carried out.

(page 5 of original)

On the initiative of military agencies, an air defense drill was also carried out, in the course of which the air defense installations of the Leuna works were tested. As far as I remember, the result was pretty poor.

I recollect that Government agencies, beginning in the fall of 1936, demanded the drawing up of so-called mobilization plans. The general management entrusted Dr. SCHWARZKOPF with this task. A little later, towards the end of 1936/37 I had to compile for this purpose, in addition to my other work, data for the production plans.

Goettingen, 22 November 1947.

signed: Dr. Werner MUSTROFF

I certify that the above signature is that of Herr Dr. Werner MUSTROFF of Goettingen, Moorthestrasse 1, known to me in person.

Muernberg, 1 December 1947.

signed: Dr. Hellmuth DIK
Attorney-at-Law.

AFFIDAVIT

I, Dr.Ing.Heinrich STAOMBECK, Rosenthal, district of Cassel, house No.243, after having been warned that I render myself liable to punishment if I make a false affidavit, declare under oath that my affidavit is true and was made in order to be submitted as evidence to the Military Tribunal VI in the Palace of Justice, Murnberg, Germany.

I was the head of the engineering departments of the Leuna works whose managing Director was Dr.Christian SCHNEIDER. I have known him since 1919 and have always found him to be a man of particular fairness and social understanding, who always endeavored to improve the situation of the working staff, even in excess of the wages regulations. The payment of bonuses and such measures can be traced back to his suggestion in particular. I am convinced that he entered the NSDAP some months before the war only in the general interest of the enterprise.

I knew that Dr.Christian SCHNEIDER, for many reasons, had the utmost aversion to the employment of aliens in the plant during wartime. But when this had come to pass finally, it was quite in line with his general attitude to improve the situation of such aliens as far as possible. He saw to it, for example, that they received additional food, as for instance vegetables, over and above the regular rations. The housing of the aliens in well constructed barracks or catering enterprises was absolutely decent and very clean as far as I know. I have never seen that foreigners were maltreated, and

no respective reports have been made to me. I have been told that Dr. SCHNEIDER had generally prohibited it. Approximately in 1943 I was given a special order by Dr. SCHNEIDER to make an inspection of the foreigners' camps although this did not fall within my regular functions. On these occasions also, I did not learn of advances and I always had the same impression as stated before. The improvements, which I was able to bring into effect, mainly related to off-duty activities, such as for instance the procurement and repair of sports equipment, brought games, and literature for the recreation rooms. Subsequently to the inspection I gave, or requested others to give, in some camps lectures such as about color photography, as far as I recollect. In the year 1943 we also took steps for the improvement of the food of Russian workers and employees who had complaints, and the complaints stopped thereafter. Some Russians with a university training expressed to me their particular gratitude later. I should also like to mention that the Foreign Works always endeavored with success to improve the professional training of the foreign workers and to provide unskilled workers with such a professional training. This training was carried out by the respective training foremen, and the foreigners were grateful for this.

To be sure, the Eastern workers felt it as an injustice that considerable parts of their earnings were taxed away under the government regulations. In agreement with Dr. SCHNEIDER and on repeated occasions I approached high authorities in Berlin with the aim to have this Eastern Workers' Tax

either removed or at least decreased. Unfortunately without success. Considerable difficulties arose of course in the camps of the foreigners just as in the camps and residential quarters of the Germans after the heavy bomb attacks on the Louna works, as it was impossible to keep up with the schedule of repairs which had been planned for the camps of the foreigners in exactly the same manner as for the camps of the Germans.

In order to characterize the problem of the employment of foreigners I should like to say that I attended a rather big conference at the end of the war when the allied troops were already drawing near and that I, in agreement with the majority of those present, was of the opinion that the camps of the foreigners should be regularly administered and supplied to the last and then handed over to the approaching troops. After having made this suggestion which would only seem reasonable and a matter of course, I was quite surprised when some of the people present even then still threatened me with hanging.

Wosenthal, district of Cassel, 7 July 1947

signed: Dr.Ing.Heinrich STROMBECK.

The foregoing signature of Dr.Ing.Heinrich STROMBECK, residing in Wosenthal, district of Cassel, house No.263, made in his own writing and certified by me, was made before me, Dr.Hellmuth DIX, Nuernberg, in Wosenthal on 7 July 1947, which fact is certified herewith and attested to by me.

Wosenthal, 7 July 1947

signed: Dr.Hellmuth DIX
(Dr.Hellmuth DIX)

The following digest of a considerable number of individual and circular decrees relating to the allocation of PW's to working places was brought to the notice of the Supreme Reich Authorities, Top Organizations, etc., and - with particular stress of their confidential character - of the regional and local employment offices by the Reich Minister for Labor. Reference is made to article on page V 352, conform to the above in its tenor.

Allocation of PW's to working places.

I. General.

In accordance with the international agreement on the treatment of PW's, dated 27 July 1929, PW's will be allocated to labor within the territories of the Reich soon after their delivery to the PW-camps (Stalags). PW's who are not willing to work may be compelled to work. The PW's will be allocated to the working places from the Stalags by the military authorities in accordance with the suggestions and

Decisive cooperation of the local and regional employment offices. Agricultural enterprises will enjoy priority rights as regards the allocation of PW's. Accordingly, PW's from the Polish Campaign have been allocated primarily to agricultural enterprises. In consideration of the great number of PW's from the fighting in the West, they will have to be employed for work other than agricultural to a considerably higher degree.

II. Working Projects.

The local and regional employment offices must allocate PW's primarily to the following categories of work:

1. Work in agricultural enterprises,
2. Work in the administration of forests and lumber,
3. Work for the improvement of the soil,
4. Work in the entire mining business including all branches of a nature similar to the mining business,

5. Railway work, in particular track repair, (maintenance and contract work) and other work (such as freight loading, reshipment, repair shops, etc.) and war-important constructions of the Reich Railways,
6. Constructional and maintenance work in the Duna- and ydra-tion plants, Cellulose and Fiber Works and all other war-important enterprises,
7. War-important roads, canals, dams, and residential buildings,
8. Work in brick-yards, quarries and other enterprises of the group "Stones and Berths", as far as they are war-important,
9. Buildings for the Association for the Increase of Food (Construction of new stables), of dairy works and storage houses.
10. Post Cutting,
11. Transportation work of any kind.

This specification is not exhaustive. PW's may also be allocated to other war-important projects. For projects which are not war-important or only supplementary, PW's may be allocated only if there are no other possibilities for their employment. This can only happen if even the smallest opportunity has been exhausted of making German laborers available for more important or higher qualified work by replacing them with PW's. Questions of priority or questions relating to the order in which demands for PW's should be met, will be decided by the local or, if necessary by the regional employment offices or the Reich Labor Ministry.

III. Prerequisites for the allocation
of Pws.

1. PW's must not be employed for work which is directly connected with military operations. In particular, PW's must not be employed for the manufacture or transportation of arms, ammunition, and for the transportation of goods which are designated for the fighting forces. For information apply to the Employment Offices.

I, Dr. Hellmuth DIK, Attorney-at-Law in Nuernberg,
at present a Defense Counsel at the American Military
Tribunal in Nuernberg, certify herewith that the
attached excerptive photostat is fully concordant with
document 1206 PS, US 215 which the Prosecution
presented and submitted as exhibit P. USA 215 to the
International Military Tribunal in Nuernberg.

Nuernberg, 27 January 1948

signed: Dr. DIK

Attorney-at-Law.

Affidavit

I, Dr. Guenther MAUNTZ, Essen-Bredeneu, Holunderweg 33, of German nationality, have been warned that I render myself liable to punishment if I make a false statement. I declare under oath that my statement corresponds to the truth and was made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

During the war I was a welfare officer for prisoners-of-war in PW camp VI/F Boeholt (later Muenster) with the rank of a Sonderfuehrer (special leader) from 1940 until 1945. This camp was occupied by French, Belgian, Yugoslav and Russian prisoners. My task was the care for the prisoners in accordance with the regulations of the Geneva Convention. In particular I was responsible for their spiritual and mental welfare (off-duty activities, supply with reading material and newspapers, establishment of libraries, regular entertainments with movie-stage and vaudeville performances for the camp and the labor-kommandos).

In view of the many experiences and the various observations made of the work methods of all other PW camps in Western Germany, I can state the following:

- I. The entire administration of matters pertaining to prisoners-of-war was in the hands of the Wehrmacht.
- II. The Wehrmacht alone determined where the PWs should stay and do.
- III. Insofar as the prisoners-of-war had to perform work in accordance with the Geneva Convention, they were allocated to the places of work by the Kommandantura of the respective PW camps according to the requirements of the Labor Office.

In every PW camp was a bureau of the Labor Office. In the case of industrial plants and local farmers' associations asking for PW-laborers, this central bureau of the Labor Office contacted the officer in charge of the labor allocation. He alone allocated the PWs liable to labor service and at his disposal to the places of work. The employers had no influence on these proceedings.

- IV. Before, however, the PWs were allocated, the billets furnished by the employers were examined by officers of the PW camps with regard to cleanliness and sanitary installations.
- V. Insofar as the PWs received their food from the employers, the food of the PWs was also always examined by the officers of the PW camps (pay master).
- VI. All complaints, grievances and wishes of the PWs with regard to housing, food, medical care and work production were channeled by the PWs through me to the Commander; the latter at once contacted the responsible authorities of the employers and saw to it that the difficulties were ended and that the wishes were fulfilled.

(signed): Dr. Guenther MAUNTZ

Document roll No. 3/1948

The foregoing signature of Dr. Guenther MAUNTZ, residing in Essen-Frodeney, Holunderweg 33, identified by me, has been affixed before me

Notary Dr. Reinhard SCHLUETER in Essen

Document Book X SCHNEIDER
Document SCHNEIDER No. 259
Exhibit No. ...

and is herewith certified and attested to.

Essen, 30 January 1948

(Seal)

signed: Dr. SCHLUETER

Notary

Fees

Value RM 1 000.--

Fee Par. 25, 144,39 RM 2.--

Turn-over tax " 0.05

RM 2.05

signed: Dr. SCHLUETER

Notary

A F F I D A V I T

I, Dr. Helmuth HANISCH, born 5 November 1898, resident at Parkstrasse 102, Krefold-Uerdin en, having been warned that I render myself liable to punishment if I make a false affidavit do hereby declare on oath that my statements are the full truth and were made to be submitted as evidence to the Military Tribunal No. VI in the Court-house at Nuernberg, Gormany.

I have been employed by the Leuna-Werke as analytical chemist from 1926 to 1945, my last appointment being that of deputy section manager, In 1945 I left Leuna under the same circumstances as Dr. Christian SCHNEIDER. The details of these circumstances are shown in the enclosed copy of certificate dated 10 May 1945.

Owing to my activity in Leuna, I have also been acquainted with Dr. SCHNEIDER since 1926. Dr. SCHNEIDER was not only an eminent technician, but moreover a very fair principal to all of us. During the early years of my employment in Leuna I closely collaborated with him also in technical matters, as I had to work out in detail a process suggested by him. I know of many negotiations in which he straightened out unpleasant and intricate differences with Party and government agencies of the National-Socialist regime. In so doing he always intervened on behalf of innocent persons.

In this connection I remember the following case. When the process for the production of an important lubricant was being worked out in detail, Dr. GERICKE, an employee of the plant and member of the SS reproached the inventors, in particular Dr.ZORN and Dr.HAEUBER of Ludwigshafen with jeopardizing the safety of the essential defense production by introducing untested processing stages, and with having concentrated all too eagerly on prospective peace-time business

in working out the details of the process. In the course of these arguments Dr. GERIGKE even reproached the inventors with high treason and sabotage. Dr. SCHNEIDER not only backed the inventors and their methods but moreover he unreservedly took the point of view that in order to promote technical progress one had to risk a temporary uncertainty even under war-time conditions, and authorized the inventors to make the necessary investments amounting to several millions. I know of several more cases when Dr. SCHNEIDER most courageously protected his subordinates in political matters, as for instance in the cases of Dr. SCHAUMBURG, and the foremen JANOSCHKA and BLISER.

Through my connection with our own Party officials within the plant I learnt that Dr. SCHNEIDER's political outlook was most unpopular with the Party bosses who regarded him as a typical bourgeois, and that up to 1937 he resisted frequent invitations to join the Party. If he made up his mind after all to join the Party and compromised on several points, I am convinced that he did so only in order to take better care of the interests of the plant and of non-Party members among the employees. He always made a courageous stand for non-Party members; a considerable proportion of his key men, although no Party members, were being promoted even after 1933. I know of several cases in my own section when Dr. SCHNEIDER sanctioned the employment of non-Party members against the will of the Labor Front, even if they were known to have strong Leftist tendencies or affiliations with Bible Research societies. The doubtful reputation which the Leuna-Werke and the I.G. as a whole had with the political

administration is borne out by the fact that neither HITLER nor any other Nazi bigwigs ever paid a visit to the Leuna-Werke, despite the fact that Leuna was the biggest chemical plant of the Continent.

Neither from private or business conversations did I learn that Dr. SCHNEIDER evinced any particular interest in defense activities before the outbreak of war. Of course, measures ordered by the authorities say in regard to air-raid precautions, production lists and mobilization preparations had to be carried out. The nature of the Leuna production implied that while normally its products - generally for the most part basic materials for use in the chemical industries were exclusively peace-time commodities, they were indirectly used for defense purposes in war. As late as in the last months of the war the investment policy of the entire plant management still showed a clear tendency towards peace-time production or, at any rate, such production as would lend itself readily for peace-time purposes both in regard to raw materials and technical equipment.

During the war, the authorities set the plant production quota for all lines which had to be reached on the basis of the capacities known to them. Now and again these quotas were changed, as the need might be. Owing to the expansion of certain branches of production and the ever increasing number of inductions into the Wehrmacht the available manpower became insufficient for keeping up with the official output schedules. In these circumstances there was no other alternative left than to employ the manpower assigned by the Labor Offices, in the first years of the war mainly German Labor Service Draftees, and later on foreigners. The plant management was not at all enthusiastic

about this solution, as these unskilled workers added to the difficulties of production, let alone the considerable language difficulties in the case of the foreigners. Moreover, there were the huge expenditures for the camps both of the German and the foreign workers who were newcomers to the plant. On top of it all there was the fear of sabotage on the part of the foreigners, although there was no conclusive proof of it, which was certainly due to a very large extent to the fact that the plant did all it could to improve the conditions of these new workers as much as possible. The treatment of the foreigners in the lines of work was exactly like that of the German workers. The foreigners got camp fare which was about 1 1/2 as much as that of a normal consumer. The physical condition of the workers, especially when they had been in camp for some time, was that of a well-fed German worker. Newcomers, in particular those from the Balkans, from Italy and Central Russia, were in a bad state of malnutrition; so much so that Italian military internees were fed at the expenses of the plant for 2/3 weeks without doing any work in order to make them fit for work. The workers from the Balkans had to be newly clothed from top to toe almost without exception, as their clothing was inadequate for conditions in Germany.

I have visited several camps myself and was able to satisfy myself of the excellent food conditions. The camps consisted partly of newly constructed huts, partly of newly built barracks taken over from the Wehrmacht; in some cases even hotels and inns were bought or rented to accommodate the foreigners. As far as I know the conditions, the camps were by no means overcrowded; it was only immediately after air-raids when camps had been destroyed that there was a certain temporary cramming-up just as it was the case with

any urban population in Germany. I know that the workers, in particular those from the Western countries, went on furlough regularly, at first rather frequently, though later at longer intervals, and that in a few cases they even brought some of their workmates from back home who got jobs in the plant. I never observed any maltreatment of foreign workers. Such maltreatment, had it ever occurred would have been severely punished, considering the attitude of the plant management in matters of social welfare. I cannot remember a single case in the Organic Section of which I was the chief of a foreigner having been reported to and punished by the Gestapo for loafing on the job or some such offence. As far as I know the plant management very seldom and only in extreme cases resorted to such reports.

In 1943, after the German front in Russia had receded, a considerable number of Russian families came to the Leuna-Werke and were put up in various camps. These people were in a very poor condition so far as clothing and nutrition was concerned. With these families there were some 80 children, on the average of 12 years of age. As these children started loitering around their camps, occupations had to be found for them. The children were clothed, and employed for several hours daily in different sections of the plant for light jobs, for instance, running errands, odd jobs in labs and workshops. Those of adolescent age were trained for trades in the workshops like German apprentices. The attempt to set up schools for these children met with difficulties, for one thing because of the difference in the level of education, and because of the difficulty of finding suitable teaching staffs and suitable rooms. Whether schools have been set up in isolated cases I don't know.

By the end of 1943, however, the Administration of Justice assigned convicts whose trades made them suitable for laboratory work

in our newly constructed laboratories where suitable skilled labor was lacking.

The plant concentrated on such convicts as had been sentenced for political offences, and generally rejected criminals. These convicts were quartered in Halle and transported to the plant in street-cars under escort, leaving the plant after the knock-off and making the return journey under the same circumstances. They were supposed to work as a strictly separated group, avoiding contact with free German employees. In practice, however, this principle was applied only to a limited extent. The convicts were employed as scientists or analysts like free German employees. A few got permission to work independently in the plant library. Yet others worked in the physical lab without supervision. As time went on, we succeeded, against the will of the Administration of Justice, in obtaining some facilities in regard to food and smokes for these convicts. The convicts took considerable pride in their work and expressed their satisfaction with the good treatment in numerous manifestations of gratitude.

Moreover, there were French P's.o.W. employed in the plant, partly as tradesmen, working in small detachments under German or French foremen, partly as individual workers in the plant, at operating, at first, simple apparatuses, and later on, apparatuses requiring specially trained key personnel. The French P's.o.W. were in very good conditions so far as nutrition was concerned, and their treatment was in every respect on a par with that of German workers. Other foreigners too, in particular, Frenchmen, Dutchmen and Czechs were employed in key positions in increasing numbers. The P.o.W. camps were put in charge of the Wehrmacht, so I have never been able to visit any of them. The nature of the work to which they were assigned was

determined by the authorities in conjunction with the competent plant department. No P.'s o.7. were employed in the few branches of the production which supplied direct defense requirements and were operated under a code-name such as Iso-Octane and aircraft lubricants.

Male E-prisoners were employed in the plant for constructional work as closed detachments working under guard. Female E-prisoners were also employed as a closed detachment for light mechanical work in the Katalysator production, sitting in a room which could be heated. In addition to their camp meals all E-prisoners were served with soup at lunchtime, which was regularly sampled by the plant manager every day. Moreover, the E-prisoners took part in the medical check-ups. Before the E-prisoners were employed in the plant, there had been several deaths during work outside the plant. Dr. SCHNEIDER took most energetic steps to have these cases clarified. It appeared that the victims had been undernourished; thanks to the measures which were taken subsequently there was no recurrence of such fatalities.

Uerdingen, 9 January 1948

(signed) Dr. Helmut HANISCH

This is to certify and attest the above signature of Herr Dr. Helmut HANISCH, resident Uerdingen, Parkstrasse 102, written by his own hand in my presence, at Uerdingen on 9 January 1948.

Uerdingen, 9 January 1948.

(signed) Dr. Hellmuth DIX.
Dr. Hellmuth DIX

C O P Y

Duplicate.

Zwangsevakuierete Akademiker Mittelddeutschlands in der
amerikanischen Zone.

(Forcibly evacuated Scientists and Technicians from Cen-
tral Germany in the American Zone)

Spokesman: Professor Dr. Adolf SMETEL (16) Nieder-Roden,
Schulstr. 59

10 May 1947.

Certificate.

Herr Dr. phil. Helmuth HANISCH, born 5 November
1898, at present resident at Parkstrasse 102, Triefeld-
Verdingen, is one of the scientists and technicians,
evacuated together with their families from Central Ger-
many to Hessen in June 1945 at the order of the U.S.
War Department, and is registered as such by the FIELD
INFORMATION AGENCY, TECHNICAL, as well as by the OFFICE
OF THE A.G. OF S., G-2, OPERATIONS BRANCH, TECHNICAL
INTELLIGENCE SECTION, HQ, USFET APO 757, US ARMY. As
the other evacuees, he and his dependants are barred
from leaving the British and U.S. zone of occupation,
and from returning to the former occupation and place
of residence, now in the Eastern zone, without express
permission of the above-mentioned agency, G-2, USFET.
Mr. R.J. ROHR, Chief of the ENEMY PERSONNEL SECTION of
this agency, Telephone Frankfurt o/M, 2-1914, is pre-
pared to confirm the above particulars by word of mouth,
if required.

At the order of FIELD INFORMATION AGENCY, TECH-
NICAL, Herr Dr. phil. Helmut HANISCH has filled in the
technical questionnaire B.F. 3 concerning employment in
the service of the US, and is keeping ready for the
possibility of such employment being offered.

Document Book X SCHNEIDER
SCHNEIDER Doc. No.
Exh. No.

The enforced evacuation compelled the persons concerned to leave their jobs with contracts still running, their incomes, their flats and their furniture and other means of subsistence and property of all kinds at a moment's notice. In most cases only a few pieces of light luggage and a little money could be taken along. The evacuation furthermore means the loss of numerous documents regarding personal and occupational conditions. Owing to the fact that the evacuation measures were kept secret, the evacuees are still exposed to various misinterpretations in regard to the reasons and attendant circumstances of their sudden removal, which are apt to reflect on enquiries made about them. Finally, in many cases the procuring of exonerating evidence within the meaning of the Law of Liberation is being rendered difficult by the evacuation, which, moreover, makes it impossible to hear witnesses from the former environment, unless such witnesses are among the evacuees.

(signed) A. SIEKAL
Prof. Dr. Adolf SIEKAL

I, Dr. Hellmuth DIX, at present defense counsel at the U.S. Military Tribunal, Nuremberg do hereby certify that the above document is a verbal copy of a copy corresponding to the original kept at Uerdingen.

(signed) Dr. Hellmuth DIX.

AFFIDAVIT.

I, Dr. Ing. Wilhelm WEYDANZ, resident at Spedlo, near Henna-Muendon, have been warned that I render myself liable to punishment, if I make a false affidavit. I declare upon oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal, Palace of Justice, Naernberg, Germany.

- 1.) I was born on 22 April 1900, in Kemberg, District Wittenberg. After having studied engineering, I worked as assistant to Prof. PELEDERER, Brunswick, in 1927 and, on 1 August 1927, started work with the I.G. Farben A.G., Ludwigshafen. After a break, lasting from 1931 until 1933, during which time I worked as an assistant to Prof. Dr. R. PLANCK, Karlsruhe, I re-entered the service of the I.G., this time working in the Leuna Works. I first was a plant engineer in the department 'Hydrogenation', since April 1939 I was plant manager of a Main Workshop and worked part time as piece-rate engineer (Arbeitslohnarbeiter) in the department of mechanical engineering. On 31 October 1946 I resigned this job voluntarily.
- 2.) Owing to my work as a workshop engineer, I was informed of the conditions of work applicable to foreign workers employed in the department of mechanical engineering. My activities as a piece-rate engineer also permitted me to become acquainted with wage conditions as applicable to them, and owing to the fact that the workshop, the management of which had been entrusted to me, had to make repairs in the community camps and cafeterias I reportedly had the opportunity to

study conditions in the various camps and also to form an opinion regarding their equipment. In the following I am therefore in a position to describe conditions as I saw them then, limiting myself in this to conditions as applicable to the department of mechanical engineering, as my personal knowledge extends only to the latter.

Though, owing to the nature of my work and my position, I had little opportunity to attend meetings together with the then plant manager Dr. SCHEIDER, I know from these few occasions and also from statements made by my superiors concerning other meetings and also from inspections which Dr. SCHEIDER carried out at the places of work, the billeting quarters and eating places, that he always strove to effect improvements in the living conditions of the foreign workers and that he spent much of his little time on these efforts.

3.) Conditions of work as applicable to foreign workers.

a) Recruitment.

As a substitute for those German members of the plant who had been called up to the Luftwaffe, as well as German industry as a whole, employed foreigners in increasing numbers as the war progressed. In the department of mechanical engineering their percentage, at the end of the war, was about 25% to 30%. I do not know the details regarding the methods of recruitment. I learned that some of them had joined the works voluntarily on the basis of recruitment and that some of the Frenchmen had been directed to do so on the basis of Service regulations by the Vichy Government with which Germany had concluded an agreement to that effect. I know nothing about the methods of recruitment employed in the case of Russian workers, termed "Eastern workers".

b) Work-hours.

Foreign workers worked the same hours as German workers and employees, that is to say 56 hours per week. After air-raids it happened occasionally that some experts were asked to work longer hours temporarily, if production depended on the activity of individual specialists who could not be replaced by others. As however, in general years of experience in the shop was required for any specialist's job, foreign workers were hardly ever considered for such tasks. In such cases, however, they were paid overtime and received additional rations in the same manner as their German co-workers.

c) Place of Work

The general conditions such as cleanliness, ventilation, lighting arrangements, protection against accidents etc, were the same as for German workers as they worked together with them in the same places.

d) Working clothes.

German workers did not, in general, receive working clothes from the works. However, those who had to carry out work that would dirty their clothes were lent clothes by the works, which after a fixed period of time became their own. Foreign workers rarely brought any working clothes with them, and had no opportunity to buy any in Germany. In order to save their civilian clothes

the works management put one suit of working clothes at the disposal of foreign workers, even in cases where their jobs did not fulfill conditions as laid down for German workers. This ruling was maintained by the management though it was with the greatest difficulties that supplies of textiles were obtained.

c) Leave

Foreign workers were granted homeleave as provided by law; they were transported mostly in special trains there and back. This arrangement was maintained despite the fact that some did not return from their leave. Only towards the end of the war, when there were a mass-exodus on account of the works being bombed constantly, homeleave was cancelled. This measure however did not constitute a cancellation of leave in general; leave was granted nevertheless but it could only be spent in Germany itself.

4.) Wages of foreign workers

a) Wage-scale

German workers were paid according to locally existing rates. Foreign workers on the other hand were paid according to rates as laid down by competent authorities and over which the works did not exercise any influence. These wage-scales were probably uniform throughout the Reich, but at least they were uniform within one province. Thus there existed differences between the wages of German and foreign workers, which however, as far as I can recollect, were minor ones. Both wage-scales provided for classification into groups such as artisans, auxiliary artisans, auxiliary workers, and each group was sub-divided into a female and a male category. In the

production departments they split up further into groups for machinists, skilled and unskilled chemical workers. Women doing a man's job were paid increased female wages.

b) Re-training

Foreigners were at first classified according to wage groups which corresponded to their former training and occupation. However, large-scale training methods were then applied, by means of which auxiliary workers became auxiliary artisans and auxiliary artisans, artisans. After conclusion of training, they were paid according to the higher rates of the new classification. Apart from better pay the foreigners also benefited inasmuch as they received a better training for their future life.

c) Piecco-rate wages

I. Nature and application of piecco-work.

The majority of workers in the department of mechanical engineering usually did piecco-work. Though it was more difficult to calculate in advance the time needed for the various repair jobs in the Chemical Industry than it was for smooth mass production in the machine shops, piecco-work was nevertheless introduced in Leuna in 1921. The methods of application were the following: The workman, or rather more often a group of workers received a work-order, written out on a so-called piecco-work-form, specifying the calculated time. Those workers employed on the job wrote down their daily

working hours until completion of the job. The form which besides the time calculated in advance, also showed the time actually needed was then forwarded to the pay-office, where on the basis of the actual working time recorded the increase in pay was calculated. The piece-work slip served only as a basis for calculating the increase in pay, on the basis of the proportion of time saved by the workmen, compared to the one that had been calculated in advance, standard-wages however were paid independent thereof, according to the hours worked. Calculation of the increased pay due to piece-work, were made according to a table, showing higher rates of pay the greater the period of time was, that was saved, as indicated by the piece-work form. For exceeding the calculated period by a certain margin, a special increase was granted. If the time needed by the workman just coincided with the one that had been calculated, they were still entitled to receive an increase amounting to 15% of their standard-wages for each hour worked. Had they, for example, only used 80% of the time calculated, they would have received 27% more pay which increased further, in proportion with the time saved. If more time was needed than had been anticipated, the pay decreased; if for instance 110% of the time calculated in advance was used, no piece-rate pay was given.

II. Methods used for the process of calculation.

The piece-rate time was calculated in advance by accountants, who were employees, and who because they were not subordinated to the workshops but to a special Works piece-work office, enjoyed a certain amount of independence. This office also issued relevant instructions uniform throughout the Works, pertaining to methods to be employed when carrying out these calculations.

The piece-rate times were calculated in such a way that with an average effort the time limit could be undercut. On an average about 80% of the calculated time was needed. Thus the average increase on piece-work, consisted of 27% above the normal pay of the workers.

III. Advantages of piece-work.

This increase in pay, which could be obtained in return for an average effort, was the reason that workers liked piece-work, and that they demanded its introduction in cases where these methods had not yet been applied. Especially good pay was more the result of a skilful organization of the work at hand, and by minor improvements on the part of the workman in the methods employed in doing the job, rather than a hard pace.

The reason why the Works were interested in piece-work was because the majority of the workers of the department of mechanical engineering were employed not in easily supervised workshops, but on various repair jobs in the production departments. This would have demanded an extraordinary large staff of supervisory personnel, if we had not succeeded in interesting the workmen sufficiently in their job by means of piece-work, so that they completed it in the period specified.

IV. Compensation for piece-rates.

It happened that temporarily piece-workers for some special reasons, could not share in piece-work. In order to save them a noticeable drop in their incomes they were granted for that period a compensation in lieu of the piece-work they had missed.

amounting to about 15 to 20% of their standard wages.

V. Participation of foreign workers in the piece-rate scheme.

Foreign workers shared all benefits enumerated above in the same manner as German workers. The piece-work time was calculated according to fixed rates so that it was impossible to make exceptions. Most of the time foreign workers worked in the same piece-work group as German workers and executed jointly with them the same piece-work order, receiving in the end the same share of the excess earnings.

VI. Time needed to become accustomed to piece-work executed in groups.

Only during the time needed for a newcomer to become accustomed to piece-work executed by a group of men, was his share of the benefits less than that of the others. We did make the experience that newcomers, that is workers not yet experienced, did in the beginning, spoil the results otherwise obtained by a group of experienced piece-workers and which could only be ascertained for the group as a whole. We therefore had to adopt some sort of measure by which the excess pay, adjusted according to fixed rules, would be distributed fairly among the members of the group, so that experienced workers did not suffer any disadvantage caused by the less efficient output of the newcomers. This was done by grading newcomers according to their visible output into "output grades". The output grade of an experienced worker was 100%. A newcomer started on a minimum grade of 70% and in three months at the most was promoted to grade 100%.

The over higher grading of the individual beginners was done by the foremen in conjunction with the calculator. A grading of 90% meant that the person in question needed for the same work, a working time longer at the ratio of 100 : 90 than the time needed by an experienced worker. Bearing this fact in mind the results of the piece-work were calculated for each participant in the work individually, and thus his share of the excess pay was arrived at.

VII. Output of foreign workers.

Promotion by means of additional training and the excess pay due to piece-work were the only means of enticement employed for raising the level of output of foreign workers. The employment of other, perhaps unfair means or such that were unworthy of the dignity of a human being was excluded; it would have destroyed the favorable effects of the additional training and the stimulus of piece-work. The favorable effects produced by piece-work are evident if one looks at the foreign worker's output, calculated from the excess pay he received. In spite of the fact that there was quite a percentage of newcomers it amounted to 90 to 95% of the average output of German workers.

d) Eastern Workers.

The statements as mentioned above were also on principle applicable to Eastern workers with the exception that part of their wages was not paid to them directly, but had to be made over to some Reich office upon direction by the competent authorities as Eastern Worker's tax. The works management often appealed to the Trustee for Labor and remonstrated with him and also with various superior Reich offices

to the effect that Eastern workers should at least be paid the full amount of their excess pay for piece-work. I cannot remember whether any of these appeals did ever bear any results.

5) Living conditions of foreign workers.

Foreign workers lived in camps, in the same manner as German workers who had been drafted for work. Partly, they shared the same camp and the same food, there as well as in the works canteens. The accommodation in the camps consisted partly of former hotel accommodation, and partly of new barracks that been erected, offered ample living space, had been installed with hygienic appliances according to best experiences made, and had been furnished as tastefully as was possible within the modest material-expenditure permitted. The Works management did everything in their power to make the living quarters of both the drafted German workers, and the foreign workers as home like as possible. Besides clean kitchens and dining rooms they had baths, appliances for the combatting of vermin, sport arenas, lounges, theaters and cinemas. Overcrowding of living-room space and emergency accommodation could only have been the results of aerial attacks. The fact that large numbers of foreigners had returned to their places of work from their home-leaves before the danger of aerial attacks had deterred them, speaks for itself, and is itself proof that the Leuna Works treated them decently, housed, fed and payed them well.

6) Summary.

The works paid out full wages for every foreigner employed and

did not make any unjustified profits by exploiting foreign labor, on the contrary it has occurred increased social obligations by providing the foreigners with accommodations, clothes, food and giving them additional training. That they, during the war, and in spite of the scarcity of material and food created and maintained work- and living conditions as described above for foreign workers employed by them, is above all due to the unerring efforts of the Works management which was interested in the well-being of all and everyone of their working force.

Speelo, 24 November 1947.

signed: Dr.Wilhelm WEYDANZ

No.831 of the document register 1947.

The above signature of Dr. Ing. Wilhelm WEYDANZ, residing in Speelo (Dist.Muenden) and known to me, was subscribed to before me and is hereby verified.

Hann.Muenden, 25 November 1947.

signed: Dr.Johannes HINZ

Notary Public

(L.S.)

Fees

value: 3,000 RM

fees Art. Art. 1442639 fees 0 4,— RM

turn over tax —,12 RM

4.12 RM

Vol.No.

the Notary: sigd. Dr.HINZ

Affidavit

I, Fritz RUTLOFF, of Leverkusen, Kaiser-Wilhelm-Allee 3, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement corresponds with the truth and is made in order to be submitted as evidence to the Military Tribunal No. VI, Palace of Justice, Nurnberg, Germany.

I was born in Magdeburg on 26 January 1899. Since 1927 I was works engineer in the Leuna Works and from the summer of 1939 on I was departmental senior engineer of the workshops in the department salt works. From the summer of 1941-1943 I was employed as Pauleiter (construction engineer) in Mossbierbaum.

When I returned, in 1943, to Leuna into the dung-salt department, about half of the labor there consisted of foreign workers. These were working together with the German workers in mixed crews and were on principle employed on the basis of the piece-work rates customary in the Leuna Works. No measures were adopted to extract more work from the foreign workers than from the Germans, which would have been technically impossible any way

Document Book X SCHNEIDER
Document SCHNEIDER No.
Exhibit No.....

since, as already stated, the foreigners worked with the Germans in mixed crews. With the aid of interpreters it was attempted again and again to find out and to remove any possible social hardships. The state of nutrition of the foreign workers - after they had worked in the Leuna plant for some time - fully corresponded to that of a German worker. As a midday meal they were given soup the quality of which was constantly checked and which was supplied to all the workers in the plant.

In the autumn of 1944 the management assigned me to carry out - together with Engineer BAUDISTEL whose task was the technical supervision of some of the dwelling camps - an inspection of several camps in order to ascertain the state of repair of the sanitary installations. During this round-trip I inspected about 15 dwelling camps in the vicinity south of the Leuna Works. I saw that the sanitary installations and cooking facilities in the camps were in good condition on the whole. Only minor repairs were necessary. With the exception of one, all the dwellings I inspected were located in solid buildings, either inns or former hostels. The one barrack camp I viewed was in Bad Ruernberg. This camp was as usual furnished with central heating, running water and W.C.'s

Document Book X SCHEFFER
Document SCHEFFER No.....
Exhibit No.....

At one of the dwellings in Duerrnberg I heard the sound of numerous children's voices coming from one of the rooms. Upon my question, Eng. BAUDISTEL who knew the camps very well as he visited them daily, told me that they were running a kind of school or Kindergarten there. I have had Herr BAUDISTEL confirm this in writing in December of last year as is shown by the attached letter by Herr BAUDISTEL, dated 17 December 1947. I shall also try to obtain from Leuna an affidavit with Herr BAUDISTEL's authenticated signature but I do not know whether the conditions existing there will permit this.

As regards the employment of the male E-prisoners I have not seen any maltreatment. I have watched the E-prisoners at construction jobs.

Uerdingen, 8 January 1948 signed: Fritz RUFLOFF
(Fritz RUFLOFF)

I certify that the above signature was executed by Herr Fritz RUFLOFF, residing at Leverkusen, Kaiser-Wilhelm-Allee 3, before me Dr. Hellmuth RIX, Nuernberg, this 8th day of January 1948, in Uerdingen.

Uerdingen, 8 January 1948
signed: Dr. Hellmuth RIX
(Dr. Hellmuth RIX)

To
Herr Dipl. Ing. Fritz RUDLOFF
Leverkusen-Bayer-Works
Kaiser Wilhelm Allee 3

Leuna 17 December 47

To
Herr Dipl. Ing. Fritz RUDLOFF

Dear Herr RUDLOFF;

With all haste I want to reply to your letter of 8 December 47 (which I received on 13 December 47). Herr Dipl. Ing. STEGGE is to depart for the West in one hour and has the kindness to take the letter along.

As regards your inquiry, it is a matter of the Bachelors' Home II in Bad Duerrenberg. At first, German, then Italian and later Russian workers were billeted in this camp. The installations were always the same, supply of hot and cold water, bath-rooms for every two barracks at the head of the barracks.

The Russians were accompanied by entire families; a schoolroom for the children and a sewing and tailoring room for women were installed in the course of time. The lessons were given in the German and Russian languages by two Russian teachers (one male and one female teacher). Moreover, a barber shop and a cobbler workshop were installed.

There were sick-rooms with Russian nurses and a Russian physician.

All our residential camps were supplied with hot and cold water and had bathing facilities. According to the size of the camps, each camp had one or more nurses and one physician who either resided in the town itself or in the neighborhood of the camp.

(page 2 of original)

In other respects, all the camps were under the medical care of Dr. HEINZE, plant physician.

at the time when we still had an American garrison here, I made together with some higher American medical officer, upon the order of the American Commanding Officer, an inspection tour of the dwelling camps at Bad Duerrenberg (a total of 10 camps). There was no adverse criticism on his part; quite on the contrary, the officer in question appreciated our work.

Four of the dwelling camps in Bad Duerrenberg are being used as dwelling camps even today. The installations are still the same.

Many thanks for your greetings. For the time being I have the status of a worker here.

I think these few lines, which I am writing in a hurry, will do. Should you want some more information later on, I shall be glad to give further particulars.

With the best wishes for the New Year, I am

Yours truly

Wilhelm BAUDISTEL
Bad Duerrenberg, Elfenwerk 8

Certificate

I, Dr. Hellmuth DIX, Attorney-at-Law, certify that the foregoing is a correct and literal copy of the original.

Duerenberg, 7 May 1948

signed: Dr. Hellmuth DIX

Document SCHNEIDER No. 270

CERTIFICATE OF TRANSLATION

10 May 1948

I, Dr. Siegfried TAUBER, Civ. No. A-443 415, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of Document SCHNEIDER No. 270.

.....
Dr. Siegfried TAUBER
Civ. No. A-443 415

- 4 -
"END"

41c

A f f i d a v i t.

I, Dr. Kurt HILL, born on 30 December 1909, resident in Uerdingen, Krefelderstr. 49, was warned that I would render myself liable to punishment if I make a false affidavit. I declare on oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

Since 1 September 1938 I have been active as a chemist in the organic department of the Leunawerk. In the years 1943 to 1945 approximately 100 - 150 female I-prisoners were working under me. They were collectively brought into the factory at 07:00 hrs. in the morning by an SS man and worked until 17:30 hrs. They only had a short distance to go between the factory and the camp; approximately 10 minutes. These female prisoners were employed on light labor; they broke up catalytic substances. This was done on tables, while seated, by means of a small hammer. The room was heated during the winter. A small percentage of the prisoners had to sift out the accumulated particles and fill these into barrels, which were ready to be used. For this work dust masks and gloves were put at disposal of the prisoners by the concern. The transporting of the barrels to and from the premises was effected by free male workers. The prisoners received instructions pertaining to their work from a German foreman. In the same way as the other workers the prisoners received the customary mid-day soup in the works canteen. In cases of illness or accidents first aid was rendered by the female factory assistant (Betriebsshelferin); in cases of serious accidents they were taken to the work's dispensary. On various occasions the prisoners moved about freely in the near vicinity of the hall in which they worked. For personal purposes sanitary material was put at their disposal by the concern. Conversation during work was permitted. The guard as well as the foreman allowed conversations. The prisoners

(page 2 of original)

seated themselves at the tables in groups in accordance with their respective nationalities and frequently sang their national songs while they were working.

Since the work was easy the girls asked me at various times to let them remain at this job. However, it was not possible for me to do this, since jurisdiction over the prisoners outside the place of work lay solely with the SS. I never observed maltreatment of the L-prisoners who worked under me. The female L-prisoners were in a moderate state of nutrition, in any case in a better state of nutrition than any Germans at the present.

Approximately 300 free foreign workers of the most varied nationalities were also assigned to my factory, among them several prisoners of war and a few Italian military internees. All these workers were assigned to the most varied positions in accordance with their suitability, regardless of their nationalities, and were treated in exactly the same way as the German workers. A large number of Russian women was assigned to operating mechanical equipment and, according to their background as laboratory assistants.

The foreign workers were in a good state of nutrition without exception. In the camps they received the heavy workers' food ration and those who lived privately in the town, mainly western Europeans, received heavy or heaviest workers' supplementary ration cards. But some of them moved to the camp voluntarily because the food was better there than that which they could get with their ration cards while at liberty. This is also the reason for the fact that some of the foreigners were better nourished than the German workers.

Several baths were installed for these foreigners, especially Russians, who were engaged in dirty work. The factory supplied Germans and foreigners with working clothes which were periodically washed or replaced. Those who worked with substances which were detrimental to health regardless of whether

(page 3 of original)

they were Germans or foreigners, were subject to special trade police supervision and examination and received substances for the protection of the teeth and, in so far as was possible, underwear.

It is known to me that Dr. Christian SCHWIDER, in accordance with his social outlook, always took a lively interest in the way the foreign workers were accommodated. During the last winter of the war he visited two alternative camps of the I.G. with me.

Reports had to be made from time to time to the management of the camp as a result of cases of some kind of violation of the factory rules or idleness etc. Punishment was administered within the camp in the form of additional work during free time. In my department I did not hear about any case of a foreigner being reported to the Gestapo. On only one occasion a German worker, who tried to leave the factory early and in the process was found with factory equipment and a note-book containing prohibited political jokes, was stopped by the guards at the entrance and reported to the factory police (Werkschutz). Since the policeman (Werksschutzmann) concerned was, in my opinion, one of the informers of the Gestapo or SD, a report to the Gestapo was made in this exceptional case. However, as a result of intercessions made on his behalf by me and others, this worker was detained by the Gestapo in the I camp for 2 weeks, while he would probably have been imprisoned or sent to a concentration camp for several years if the matter had taken its normal course, especially as a result of the political jokes.

Uerdingen, 9 January 1948.

signed: Dr. Kurt HILL
Dr. KURT HILL

The above signature of Herr Dr. Kurt HILL, resident in Uerdingen, Krefelderstr. 49, which was given before me, Dr. Hellmuth DIX, Haarnberg, on 9 January 1948 in Uerdingen is hereby certified and witnessed by me.

Uerdingen, 9 January 1948

signed: Dr. Hellmuth DIX
Dr. HELMUTH DIX

Affidavit.

I, Dr. Fritz KOEGLER, born 10 June 1900 in Gera, residing in Krefeld-Uerdingen, Ahornstr. 27, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, herewith declare on oath that my statement corresponds to the truth and was made in order to be presented as evidence before the Military Tribunal No. VI in the Palace of Justice, Nurnberg, Germany.

Since 1 January 1938 I have been working as chemist in Leuna, and my last assignment was the supervision of the production of adipic acid (Adipinsaeure). A considerable number of foreigners were employed in this plant, especially from 1942 on. After some initial difficulties, the cooperation with these progressed smoothly. Mainly French prisoners of war were employed, in addition Dutchmen as civilian workers and alternately Slovaks and Ukrainians. The foreigners, after they had acquainted themselves with the work, were on principle treated exactly the same as the Germans in their work; naturally with the special restrictions for prisoners of war and Eastern workers imposed by the authorities, especially with regard to freedom of movement. The physical condition of the foreigners varied, but was by no means as bad as the present condition of many German workers. The French prisoners of war were particularly fit physically because, for a long time, they received special Red Cross packages and were therefore considerably better off than the German workers. The mutual relationship between the German workers and the German superiors on the one hand and

Document Book X SCHNEIDER
SCHNEIDER No.
Exhibit No.....

the Frenchmen on the other was absolutely comradely. (I myself am corresponding with some of the prisoners of war, and they express their gratitude to me for the humane treatment. This correspondence is proof for the humane milieu that existed between us and the foreigners in Leuna. These conditions were not only tolerated by the plant administration but were promoted.)

Krefeld-Uerdingen, 9 January 1948

signed: Dr. Fritz KOEGLER

(Dr. Fritz KOEGLER)

I, Dr. Hellmuth DIX, Nuernberg, herewith certify the above signature of Dr. Fritz KOEGLER, residing in Krefeld-Uerdingen, Ahornstr. 27, made before me on 9 January 1948 in Krefeld-Uerdingen.

Krefeld-Uerdingen, 9 January 1948

signed: Dr. Hellmuth DIX

(Dr. Hellmuth DIX)

A f f i d a v i t.

I, Ernst PEINTEK, born 29 November 1898, living at Seilerstrasse 16, Krefeld-Uerdingen, having been warned that I render myself liable to punishment if I make a false affidavit, do hereby declare on oath that my statements are the full truth and were made to be presented as evidence in the Military Tribunal No. VI in the Courthouse at Nuremberg, Germany.

I have been employed by the Leuna-Werke since 1921, since 1925 as second and since 1940 as first foreman in the machine shop of the Organic Section. At the end I was in charge of 25 foremen and about 1200 men. This makes me a good judge of the performances and characters of men.

During the War, many foreigners were retrained to machinists in my shop. Most of them were well satisfied, because they learnt something new and got better pay. Thus for instance, the French Prisoners of War who on the average showed particular dexterity got piece work bonuses from the plant management on top of the pay they drew from the Stalag; these bonuses varied between RM 40 and 60 per month after deduction of certain expenses for the Stalag. On the whole, Germans and foreigners in my shop got along fairly well with each other according to my observations. No discrimination was made between them so far as treatment was concerned, and in the later war years not only the free foreigners, but also the Prisoners of War could move about almost freely in the plant.

The Russian workers naturally resented the fact that they had been taken from their homes and that part of their wages was

(Page 2 of original)

frozen up. Apart from that, however, they got along very well with us in the plant. The Russians got the same food from the work as the Germans and the other foreigners. In the camp, there existed distinctions, in this respect. Except for the first period the Russians were fairly well fed, although they are exceptionally heavy eaters. For the rest the Russians were trained just like the other nationals, a fact which was certainly of importance for their future. They were also issued with working tools like the rest.

The only occasions of which I knew when action was taken against the Russians were when they frequently pulled out large quantities of turnips from the fields while marching to the plant. As these thefts amounted to thousands of turnips the farmers complained to the plant management. Subsequently the Russians were closely checked and the pilfered turnips taken off them. But also in this case, no punishment was meted out. In my shop, I never came across a single case where a report was made to the Gestapo on top of the action taken by the plant against a man say for loafing on the job. There was only one case of a Czech worker who was handed over to the Gestapo, not by the plant, but through some other agencies, for probably having made disparaging remarks about German women while on his way home from the plant in the railway. In another case a Czech had volunteered to forward letters of an alien convict who was employed in my shop. This incident had been watched by a German foreman who was a member of the SS. I succeeded in inducing him to refrain from making a report. However, he would not drop the matter and brought it to the knowledge of the plant manager through some other channels during my absence. As the

(Page 3 of original)

report had been made by an SS man, it had to be passed on and as a result the Czech was interned in an E-camp for 6 weeks. No other case of this type, either in my shop or in other sections of the plant where I had very frequently to be on business, ever came to my knowledge. As far as my observations go, the plant executives did all they could to avoid such reports.

Neither in regard to speed or nature of work the demands made on the foreigners were higher than those made on Germans.

As far as I know the plant management in Leuna, in particular Dr. SCHWEIDER, never cared for what used to be called "Party merits", but was only guided by the efficiency rating, when employment, promotion, etc, were concerned. I myself was promoted to the grade of a first foreman in 1940, although I was no member of the NSDAP. Of the 25 permanently employed foremen of my machine shop only 6 were Party members. Most of the others were Leftists in their outlook and hostile to the Nazi regime.

In 1933, a worker who was a member of the Communist Party had been taken on. He had to be dismissed soon afterwards at the insistence of political agencies. Despite this fact the plant reemployed him after a short while, and promoted him to a foreman's job in 1940. The man concerned is foreman SECKINGER.

On the other hand well-connected and staunch National-Socialists were fired if they did not do well, as is proven by the case MUENCH. Summing up my experience, then, I can only state that Dr. SCHWEIDER showed great fairness in these matters.

Werdlingen, 9 January 1948.

(signed) Ernst PEWTEK

Document Book X SCHNEIDER
SCHNEIDER Doc. No. 190
Exh. No.

(page 4 of original)

I, Dr. Hellmuth DIX, Muerenberg, do hereby certify and attest the above signature of Herr Ernst PRINCK, resident at Weilerstrasse 16, Uerdingen, written by his own hand and in my presence at Uerdingen on 9 January 1948 at Uerdingen.

Uerdingen, 9 January 1948.

(signed) Dr. Hellmuth DIX.

A f f i d a v i t .

I, Guido SCHUBINGER, Ochsenhausen near Biberach/Wuerttemberg, have been duly warned that I render myself liable to punishment if I make a false statement on oath. I declare on oath that my statement is true and was made in order to be submitted in evidence to the Military Tribunal, Palace of Justice, Nuernberg (Germany).

At the ammonia plant Merseburg near Louna, I was in charge of the feeding arrangements for the plant. Matters pertaining to the feeding of foreign workers were not under my supervision and management. However, I have an extensive knowledge of the conditions as they existed there. The feeding of the camp inmates of the Louna plant was under the direct management of the Welfare Department. When the camp was established and organized, Herr Director Dr. CHRISTIAN ordered that the feeding should not be taken care of by the plant kitchens which were under the management of the Commercial Department, but by the Welfare Department, uniformly for the entire camp. Individual independent licensees (caterers operators and restaurateurs) were commissioned with the feeding. The kitchen installations were procured by the firm and put at their disposal on a loan basis. Dr. SCHNEIDER's intention was to have in this way higher quality food served because the food could be prepared in smaller kitchen units and because the licensees had better opportunities to procure additional food and commodities for the camp inmates. This opinion was proved correct in practice and had the desired result.

The orders for shipment were procured by a central office of the camp administration (Herr FROBERG) via the office of the district council, according to the rations laid down by Berlin for the various categories of workers. The food was purchased by the canteen operators themselves. The office of the camp administration as well as the economic office of the district council kept a check on food stocks and consumption. Besides, the members of the confidential council and the camp administration made a daily check on the rations that were issued. In order to furnish the camp inmates also with a hot noon-meal, a one-course-meal, the so-called "Bunker-Soup", was prepared at the works. For this purpose, 20-25% of the daily food rations due to the camp inhabitants were deducted. For the preparation of this soup the plant management furnished an additional feed coming from the stocks designated for the feeding of all employees, with the result that the camp inmates received more food than was due to them according to the laid-down rates. It should be especially noted that the "Bunker-Soup" was prepared uniformly for the employees of all nationalities, no distinction being made between Germans, workers from the East, and prisoners-of-war. This is of importance in so far as, according to decrees in force then, workers from the East and prisoners-of-war were not permitted to get potatoes but only beets. The "Bunker-Soup" which the workers from the East and the prisoners-of-war received, contained meat of average quality and not horse meat or meat of inferior quality, as was proscribed for them. The management in charge of the feeding of the workers had negotiated this arrangement to last for a period of 1½ years, with the office of the district council.

Doc. Book X SCHNEIDER
Doc. SCHNEIDER No. 195
Exh. No.

Moreover, I think it of importance that the rates of daily allowance which were allotted by the plant to the licensees for the food were in part up to 50% above the rates which were later on laid down uniformly for the whole Reich by decree. Even after this had been settled by law, the plant continued to establish the rates of allowance so favorably that extra allowances up to about 20% above these standard rates were paid for. This was done only in order to maintain a uniform quality of the food for the foreign workers.

signed: Guido SCHBINGER

The signature of Guido SCHBINGER was executed in my presence.
The signor is known to me personally.

Ochsenhausen, 8 January 1948

The Mayor:

signed: R. Weinmann
(WEINMANN)

Office seal: Community of Ochsenhausen
Arms
District of Biberach

Register of fees No
14
Fees: RM 2.--

A f f i d a v i t .

I, Dr. Max SPELTHANN, Leuna, Liebigstrasse 3, after having been duly warned that I am liable to punishment if I make a false affidavit, herewith declare on oath that my statement is the truth and has been made to be submitted as evidence before the Military Tribunal No. VI in the Palace of Justice of Nuernberg, Germany.

I.

Since 1917 I have been a works-doctor in the Leunawerke; since 1941 I was, and still am, head works-doctor. Since 1941, the time when foreign workmen began to be employed on a larger scale, I was in this capacity also in charge of the medical care of the foreign workers. Functioning in the same field were Dr. Hans HEINZE, Leuna, Bayernstrasse 1, and Dr. Lothar DIEHM, who died in 1944. For the whole of the plant there were on an average 6 works-doctors, and after the establishment of the camps were added a corresponding number of dispensary-doctors (see later) as well as a full auxiliary personnel of female- and male nurses and masseurs, besides a first-rate equipped out-patient station with specialists for x-rays and internal diseases, and a medical laboratory where the most complicated examinations could be conducted. Before now working hands were employed they were thoroughly examined in every instance to see whether they seemed fit for the work assigned to them. In all cases of injuries or illness everybody was given the opportunity to go to the out-patient station during work-hours to be medically advised or treated without cost and without reduction of wages. All employees

in a dubious state of health were under a regular health control, This was uniformly carried out for all members of the works, and there was no differentiation either in the case of foreign workers.

When, during the war, it became necessary to accommodate the workers (German and foreign) in camps, about 60 different camps were erected gradually in the immediate and farther vicinity of the plant. 30 to 35 of these may have been camps for foreign workers, the others were for Germans. There was no differentiation whatever in the way of equipment, fitting out or feeding nor in the general treatment of these camps. The camps were under constant medical supervision. Each camp had a well equipped dispensary with beds for about 2% of the number of inmates which was quite sufficient according to our experience. Besides, there was a hospital-hut in the large camp of Daspig with about 70 beds; and moreover, in case of need, invalids were of course sent to real hospitals. The local doctors of the respective or adjacent villages functioned as dispensary doctors and held consulting hours in the dispensaries three times a week, normally for two hours, but if necessary longer. Two works-doctors, Dr. HINZE and I, made a continuous general inspection of all hygienic conditions in the camps.

Owing to the excellent cooperation between the camp administration and the camp doctors all sanitary and hygienic camp equipments were always in good order.

The foreign worker's state of health was definitely

good. The food was fully sufficient. Due regard was taken, as far as possible, of the individual food the different nations were accustomed to, e.g. for the Russians in the Russian camp of Daspig a special coarse grained bread was baked as they were accustomed to and liked it.

The following incident is significant in several respects: The house-keeper of the Czech-camp Meuschau near Merseburg told me once in 1942 or 1943 with tears in her eyes that the workmen had refused their supper consisting of sausage, potatoes and sauerkraut and had called it fit for pigs. I immediately tasted the food and found it absolutely in order. Upon investigation the camp-headman showed me the lockers of the Czechs, each full of sausages, bacon and butter in quantities, inconceivable to us. Of these stores the Czechs had eaten their fill between the time they had finished work and had gone to supper. They received every week, regularly anyhow, more than sufficient food-parcels from their people at home. The Czechs were present during the whole time of this investigation and explanation and were quite peaceful and pleasant about it. No seriously minded complaint in respect to the supper was ever repeated.

When the transfer of the Frenchmen's camp "Weidkator" to the Doelauer Feath near Halle was contemplated because of the distance, the Frenchmen requested to give up the idea of a transfer, because the accommodation, the food, the surrounding landscape, the forest-air, in fact everything, was so beautiful, that they did not like to leave.

Nobody was employed without being thoroughly medically examined and x-rayed. Sick persons were

sent back immediately. Certificates of unfitness for work exposed to gas or dust or for heavy work were issued to a great extent. The number of sick people was surprisingly low. There have been no epidemics in the camps under my care. In case of contagious diseases the afflicted persons were isolated at once and were transferred to a quarantine-hut of one of the larger camps.

All that has been illustrated above pertains likewise to the foreign workers as well as to the Germans; there was no difference in the medical treatment.

II.

With reference to the deaths on the von der HEYDT pit the explanation is probably as follows:

Two so-called correction-camps (E-camps) were in the vicinity of this plant for "E-Internees". These "E-Camps" were in no respect in charge of the plant, but exclusively under the SS and the medical care was also given by SS-doctors. The plant had no possibility of interfering, either in ordinary camp administration nor from the medical side.

Some E-internees of the Osendorf camp had been working for some time on the refuse-pit-dump; also under exclusively SS guard. Rather frequent cases of deaths occurred here, and the SS traced these to waste gas from the refuse dumps. On Director STROMBECK's initiative Dr. ULRICH and I investigated the matter, but our medical examination gave no clue as to harmful waste gas. According to our opinion deaths were the result of malnutrition, which was eventually confirmed by three cases of post-mortem. When we had expressed our opinion on these cases

Doc. Book MASCHKEIDER
Loc. SCHEIDER No. 196
Ext. No.

wo werke-doctors were at once eliminated by the SS.

The plant management had no means of improving the kind of work or the food of these internees.

Leuna, 25 August 1947

(signed): Dr. med. Max SPETHMANN.

Certified true signature of Dr. med. Max SPETHMANN of Leuna,
Liebigstr. 3, made before me, attorney-at-law Friedrich SILCHER,
Berlin-Zehlendorf, Hermannstr. 2.

Leuna, 25 August 1947.

(signed): Friedrich SILCHER
Attorney-at-law.

Louna, 5 December 1947

I, Hans HEINZE MD, Louna, Bayernstrasse 1, have been warned that I render myself liable to punishment if I make a false affidavit. I declare upon oath that my statement is the truth, and that it was made to be submitted as evidence before Military Tribunal No. 6, Palace of Justice, Kuerzburg, Germany.

I have been plant physician since 1936 in the present chemical works Louna. I have been entrusted from the beginning with the care of the labor units housed in camps under the former chief physician, Herr Dr. PFEL, as well as under the then chief plant physician, Herr Dr. SPETHARD. At first German civilian workers were involved, but from 1941 on also foreign civilian workers.

With us it was a matter of principle, that the same treatment was to be accorded for the same required output of work. Housing and feeding in the camps were also always managed from the same point of view. The sanitary installations with reference to washing facilities and toilets, as well as the laying out of dispensaries, infirmaries, or medical consultation-rooms took place in accordance with the size of the camp under the guidance of the afore-mentioned point of view.

Of the total of approximately 50 camps in the further or more immediate neighborhood of the Louna Works the greater part by far came under my supervision, as far as hygiene was concerned. Added to this may be the supervision of the feed as to proper standards, quantity, quality, and

the distribution of fresh vegetables and fruit to supplement the other feedstuffs; in this connection I would like to emphasize that when it came to the distribution of fruit in the camps - this would take place on the average 2 to 3 times a month - the same amount was given out in each camp regardless of whether the recipients were Germans or foreigners. At the same time no exception was made with regard to the camps which had mainly Eastern European inmates, even if by and large the boarding was paralleled after the conditions prevailing there.

When recruitment of laborpower and new assignments, respectively, took place, the same scale was used for native as well as foreign workers. Accordingly we can claim that we assigned only healthy workers of indigenous or foreign origin. Through constant supervision as well as through the camp physicians who were mainly entrusted with the treatment of the sick, we were always able effectively to meet epidemics in the beginning stage, so that we hardly had cases of death or infectious diseases to record and could avoid longer quarantines. When a quarantine became necessary because of an infectious disease, the workers were paid compensatory wages which equalled their normal earnings. The boarding remained the same as heretofore during the quarantine. In the camps for Frenchmen and Russians we had chosen auxiliary help of the respective nationality, so that misunderstanding could be obviated and every imaginable care could be provided for the persons concerned. The French assistant - a tried employee - has always expressed praise about our treatment,

and he stuck faithfully to his post even during the collapse,
in order to safeguard the valuable installations and equipment
from destruction or pillage, respectively. In the Russian camp
treatment was provided by a Russian couple, both doctors, who
worked under German supervision, to be sure, because they were
not permitted to write prescriptions. Nevertheless, all the
medicaments available there during the War were at their dis-
posal. It was conspicuous, however, that the Russians preferred
to come for consultation when we German physicians were also
in attendance, since they often stated that we treated them better
than their own compatriots treated them.

Toward the end of 1944 returning the foreigners to their
homeland because of incurable diseases (TB, cancer, or accident
consequences) became impossible. These patients were put up
in an isolation ward created specially for this purpose and
were cared for according to their ailment. Indeed we were able
to maintain and look after our TB wards especially even after
the collapse in spite of enormous difficulties, which we were
able to surmount partly only with the assistance of the occupa-
tion force of that time, and later we were able to send them
back to their homeland in groups with the aid of the Occupation
Force.

signed: Dr. Hans RINZE

The own signature of Hans RINZE M.D. personally known
to me, residing at Louna, Bayernstrasse 1, is herewith certified.

Louna, 5 January 1947

The Council of the City Louna

(Seal) signed: by (Signature)

one Mk ... Pf
fee collected
Registry No. 36/48 RW.

Affidavit

I, Karl FENDEL-SARTORIOUS, Wiesbaden, Richard-Wagner-Strasse 25, after having been duly instructed that I render myself liable to punishment if I make a false affidavit, declare on oath that my statement corresponds to the truth and that it was made in order to be submitted as evidence to Military Tribunal VI in the Palace of Justice, Nuernberg, Germany.

From the middle of November 1939 until the collapse I was leader of the plant air-raid protection of the Leuna Works, the managing director of which was Herr Dr. SCHNEIDER. I have always found Herr Dr. Christian SCHNEIDER to take the greatest interest in all workers and especially in the foreigners; in spite of his reserved attitude he did his best to protect the persons working at the plant from attacks and accusations particularly of agencies of the state police.

This social attitude of the managing director also explains why the camps for the foreigners were set up most efficiently and under heavy expenditures for material. This way for instance almost each barracks had bath-rooms and shower-rooms, which were connected to the living rooms; besides that most of the barracks had central heating, so that according to my own observations the foreign workers were quite happy,

as proof may serve in this connection that especially the female employees of the Eastern workers decorated their rooms quite nicely with flowers and gaily colored curtains, which the works management put at their disposal. The food-rations were laid down by law, however, the works management tried again and again to improve the situation also in this respect.

(page 2 of original)

about in the year 1942 the Labor Front took over the administration of the camp and above all the organization of the leisure time of the foreign workers. But the plant still tried to take care of the foreigners. Dr. SCHNEIDER strictly prohibited all members of the works to maltreat foreign workers at the plant, or in the camps respectively. When for instance on one occasion a member of the plant air-raid protection disregarding the order was suspected of having maltreated a foreign worker, he was immediately dismissed from the works by Dr. SCHNEIDER. Dr. SCHNEIDER at once intervened in the same way after irregularities had been established in the management of the food-supplies for the foreign workers, and he removed the employees responsible from their positions in the works immediately, after having learnt of these irregularities.

According to the regulations, reports had to be made to the Gestapo about persistent shirkers. Dr. SCHNEIDER abided this as much as possible, despite repeated instructions by the Gestapo; he made up his mind to take this step only in especially serious cases when, in view of the fact that SD-agents were present in the works, it could not be avoided any longer. I remember for instance very clearly several cases of looting done by Eastern workers after air raids. In view of the capital punishment threatened for such crimes, Dr. SCHNEIDER even desisted from notifying the Gestapo of these cases, although this could have been quite dangerous for him.

This attitude of Dr. SCHNEIDER's is a good explanation for his poor relation to the Gestapo. The case of the office head in the legal office will prove this. This man was suspected of being an SD agent in the works. Dr. SCHNEIDER thereupon

(page 3 of original)

had his telephone calls tapped by installing a listening-in device and had detectives watch him, who confirmed his suspicions. To dismiss this man because of his connections with the Gestapo was of course impossible under the circumstances prevailing at that time, it was, however, very valuable for the plant management to know about the connections of the person in question to the SD as this enabled the plant management to protect itself as well as other works members against this agent's activity.

These strained relations to the SD and the Gestapo also explain why the chief of the legal department Dr. SCHAUMBURG was arrested by the Gestapo and was kept in jail for months under the most dishonouring conditions. Although he was acquitted by the court later on, the Gestapo nevertheless did not let him free. Dr. SCHAUMBURG owes it exclusively to the energetic efforts of Dr. SCHNEIDER and Dr. BUETEFISCH that he was finally released.

The E-camp was under the exclusive control of the Gestapo. The works could not exercise any influence upon the administration of the camp; the feeding and the treatment of the inmates in particular was beyond its sphere of influence.

I should like to mention that according to my knowledge the management of the Leuna-works was on good terms neither with the Gestapo nor with the Party offices. I gained this impression especially during the negotiations between the managing director Dr. SCHNEIDER and the Commissioner of the DaF, for which I was sometimes taken into consultation.

Wiesbaden, 12 August 1947

(signed): FENDEL-SARTORIUS
Karl FENDEL-SARTORIUS

(page 4 of original)

Document Roll Number 578, 1947

Certified true signature of the private person Karl FENDEL-
SARTORIUS, Wiesbaden, Richard-Wagner-Strasse 25, identified by his
identity card.

Wiesbaden, 28 August 1947

For the Notary

(signed): signature

Costs:

Value: 3,000.-- RM

1. Fee as per Par. 25.39 K.O.	4.-- RM
2. Turnover Tax	0.12 RM
total	<u>4.12 RM</u>

Deputy Notary

(signed): signature

AFFIDAVIT

I, Dr. Werner WUSTROW, residing in Goettingen, Woerulatr.1, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, herewith declare on oath that my statement corresponds to the truth and was made in order to be presented as evidence before the Military Tribunal in the Palace of Justice, Nuernberg, Germany.

1) I was born on 4 July 1899 in Berlin-Karlshorst. I was employed in the Leuna plant from November 1927 until the end of the war, at first I worked as laboratory chemist until 1934, then, until 1936 as plant chemist in several plants and from 1936 on in the administration. Here I was at first employed as assistant to production chief, Dr. v. STADEL, and after his death in 1941 as assistant to the Betriebsfuehrer, Dr. Christian SCHEIDER.

2) I can make the following statements concerning the functions of the SS Staff in the Leuna plant:

In 1944 an SS Staff under the leadership of SS Obersturmfuehrer SCHAUBING and SS Sturmfuehrer HELMKE was assigned to the plant. As a reason for the allocation of this staff it was stated that the work was to be given the greatest assistance in procuring raw material and accelerating transportation. Very soon, however, it emerged that this staff was to supervise the plant administration. Dr. SCHEIDER and Dr. BUETEFISCH protested very strongly against this and rejected all efforts by the staff in this direction. When, as a result of this, considerable difficulties

and strained relationships arose, Dr. SCHNEIDER and Dr. BUEYEVISCH called on President KEHRL from the Ministry SPEER for support, so that the staff was again and again forced back to the tasks originally stated.

3) From the end of 1944 on, the plant was asked to submit plans for immobilizing the plant and for destroying the files, should the enemy approach. The plant administration saw no sense in this demand, since, should this plant in the heart of Germany be occupied, a continuation of the war was considered useless and one would have to try to save the plant for peace time. The instruction was passed on to the specialists in this light and an appropriate immobilization plan was worked out. The plan provided for instance only that individual control mechanisms on the gas producers and compressors were to be removed; material with a total weight of a few tons for the entire plant, which, if necessary, was to be driven out of the plant conveniently on a truck and stored in the adjoining BRUCKDORF plant of the RIEBECK-Werken. That is what happened. The removed parts could be re-installed within a few hours and with that the plant could be set going again. Thus the action was only ^a matter of illusion.

For the intended destruction of files, the most important documents were stored in outlying plants and especially important control files were buried in a bomb crater near building 26. After the occupation by the Americans

Document Book X SCHNEIDER
SCHNEIDER Document No. 204
SCHNEIDER Exhibit No.

these files were made available on demand.

Göttingen, 21 August 1947

signed: Dr. Werner WUSTROW

I herewith certify the above signature of Dr. Werner WUSTROW
in Göttingen, Moorstr. 1, whom I know personally.

Göttingen, 21 August 1947

signed: Dr. Heinz REINTGES

(Dr. Heinz REINTGES)

Attorney-at-Law.

AFFIDAVIT

I, Dr. Heinrich STREBECK, Rosenthal, district Nassau, House No. 243, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, herewith declare on oath that my statement corresponds to the truth and was made in order to be presented as evidence before the Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

As far as I remember in 1943, I was called into Dr. SCHNEIDER's room, where I found him and a senior officer, to my knowledge, from the Dresden Gestapo directorate. The latter wanted to transfer a so-called E-prisoner camp for central Germany to Louna. Dr. SCHNEIDER and I both raised the strongest possible objections, naturally having to respect the mentality of the Gestapo in choosing our reasons. We pointed out the danger of sabotage, the bad impression on the other workers and the fact that we needed skilled workers, who were not among the E-prisoners. After a long argument, the Gestapo officer persisted in his demand, because, allegedly, he had to place the camps in the focal points of work, such as Louna, Schkopau, mines and the Reich railroad, where there were the greatest possibilities of finding work for them. As a result of this view of the Gestapo we could not do anything but give up to them the place they wanted for the installation of the camp. We in the plant had nothing to do with the administration of the camp, the feeding, treatment and guarding of the E-prisoners; all this was completely in the hands of the Gestapo. We only had to decide on the jobs and

to see to it that the work was carried out in a technically correct manner. All the other supervision of the work, for instance concerning the speed, was entirely up to the Gestapo. Neither I nor my engineers, many of whom I asked, saw mistreatments of E-prisoners while they worked in the Loune plant; nor did foremen or workers report any to me. At any rate the allocation of the E-prisoners frequently was not determined by the plant but by the air defense administration or the Wehrmacht or other authorities. When suddenly a considerable number of E-prisoners, employed at the so-called tilting place 2 of the mine von der HEYDT died, Dr. SCHEIDER immediately assigned his physicians, chemists and me to investigate the events and to report from a medical, chemical and technical point of view. It was found that at tilting place 2 heavy loads - pieces of concrete - were dumped, a job, for which many of the E-prisoners were not fit because of their physical condition. The plant then caused this to be amended and the deaths ceased.

Rosenthal, district Kassel, 7 July 1947

signed: Dr. Ing. Heinrich STROMBECK
(Dr. Ing. Heinrich Strombeck)

I, Dr. Hellmuth DIX, Muerzburg, herewith certify the above signature of Dr. Ing. Heinrich STROMBECK, residing in Rosenthal, district Kassel, house No. 243, made before me in Rosenthal on 7 July 1947.

Rosenthal, 7 July 1947

signed: Dr. Hellmuth DIX
(Dr. Hellmuth DIX)

Excerpt

from

DECISIONS OF THE GERMAN SUPREME COURT IN CIVIL CASES

101st Volume

Berlin and Leipzig 1921

Union of scientific publishers

Walter de GRUYTER and Co.

Page 322: Verdict of the civil court No. VI on 14th February 1921

.....

91. 1. What were the premisses before the issue of the law pertaining to protective custody on 4th December 1916, which permitted the arrest of a person on the grounds of his constituting a danger to the military security of the Reich?

.....

Page 323:

.....

R e a s o n s :

The appeal claims that the arrest of the plaintiff and the order for protective custody had been effected in an inadmissible manner, contrary to the law. At any rate, the defendant had acted contrary to generally accepted ethical standards. The judge in the first instance had failed to acknowledge that. These attacks will not succeed.

The region of the Oberkommando (Highcommand) in the Border Districts (Marken) has been, since the beginning of the war, on the basis of Par. 5 of the Prussian law pertaining to the state of siege (EZG) dated 4th June 1851

(page 71 of original, cont'd)

Page 324: subjected to an intensified state of siege. Article 5
of the Prussian Constitution Document, which guarantees
personal liberty, had thus been revoked.

This barrier had been removed, with regard to military measures which the Commander-in-Chief might consider necessary in the interest of the military security of the Reich. He could order arrests and temporary imprisonment and could have them carried out by the civil administration officials, amongst them in the first place the Chief of the Police in Berlin, who were subordinated to him in accordance with Par. 82G (RGZ, Volume 92, page 243)

EXCERPTS FROM THE "NEUE JURISTISCHE WOCHENSCHRIFT"

1947

Page 25.

. . . . Supreme Court (OLG) Frankfurt on Main, Verdict from
7th August 1947 - 1 U 89/47

Plaintiff had been employed during the war as a laborer in the plant belonging to and directed by the Defendant. In September 1941 he was sentenced by the special court in K. to 1 year imprisonment on the grounds of having violated the law against malicious rumour, because he had stated in the plant that something must be wrong, that GOERING and HIMMLER were placed under guard and that Minister DARRE had fled. He underwent his term of imprisonment. He asserts that the defendant had denounced him to the Gestapo because of that statement. He holds the defendant responsible for the injury he had suffered.

The defendant denies that he is responsible for the punishment of the Plaintiff. He had heard the utterance of the plaintiff, owing to his close connection with his firm, before it had been reported to him officially. He had not taken any steps at first and had not made the denunciation. He had been obliged to do so only when the manager of the firm had approached him officially about the plaintiff's remark and had remarked that something would have to be done about it and that he, the defendant, could not under any circumstances ignore the matter. In view of the attitude of the staff and the report of the manager he

Doc. Book X SCHNEIDER
Doc. SCHUYLER No. 125
Exh. No.

(page 73 of original, cont'd)

had no other choice under these circumstances but to forward the report.

The LG (court) dismissed the action. The Supreme Court (OLG) remits the case on formal grounds, stating the following reasons:

Page 26. As far as the legal evaluation of the facts is concerned, the decision of the LG (provincial court) must be endorsed.
. As the LG has rightly judged, a violation of the KRG (control council law) Nr.10 has not been committed, according to the fact findings. It is true that the fact of the retrospective force of the law has to be answered in the affirmative, in accordance with the opinion held by jurisprudence and jurisdiction, since the law is intended to punish in particular those misdeeds, which were committed before its promulgation, especially during the time of the Third Reich (KIESSLBACH, MDR (Monatsschrift des Deutschen Rechts) 1947, page 2 ff., RAIBRUCHE, SJZ ("Sueddeutsche Rechtszeitung") 1947, column 131 ff., WIMMER, same edition page 123 ff., GUJDE ("Deutsche Rechtszeitung") DRZ, 1947, page 111; OLG (Supreme Court) Kiel, DRZ, 1946 page 158, LG Freiburg, same edition, page 126; OLG, Gera, NJ (Neue Justiz) 1947, page 67; Dresden, same page 108, LG (provincial court) Konstanz, SJZ 1947, column 337 against HOENBERG, SJZ 1947, column 117 ff.).

According to Article II Par. 1c of the KRG (control council law) Nr.10, denunciations can also constitute a crime as defined by the law, but only, when they constitute a "crime against humanity". Which means, if the denunciation was made for reasons of revenge, avarice and other base motives (see KIESSLBACH *supra* page 5). This however is not the case here, as the LG has found, because the LG (provincial court) elaborates at the conclusion of its judgment: "The (provincial) court is convinced of the fact that the

defendant had stated the truth when he declared under oath, that he had been forced to make the denunciation because of the excitement prevailing at the plant and because of the feeling that he had to stand in fear of the Gestapo, that he had had no intention of harming the plaintiff or removing him from the plant. In such a case even RADBUCH (last but one paragraph of his essay) will concede a denial of guilt by admitting the existence of a state of duress (Notstand).

The correct and true copy of the foregoing Document is herewith certified.

signed: Dr. Helmut DIX.

Excerpt from "LAWS OF THE MILITARY GOVERNMENT".

(American Zone)

Published by Dr. Reinhard ANDERS

Attorney at Law and Notary

2nd edition (July 1946)

Publishing House G.T. MUELLER, Karlsruhe (Baden)

.....

Military Government in Germany
Law No. 2
German Courts

It is herewith decreed:

Article VII

Rights of the Military Government.

..... Military Government is authorized:

- c. To examine by administrative proceedings all decisions of German Courts, of the first and redress (appeal) instances, to declare them void, to revoke, to alter or otherwise to change the given statements, judgments or legal decisions of any court.

The correct and true copy of foregoing document is herewith certified.

signed: Dr. Helmut DIX

EXCERPT from

the Würzburg Treatise pertaining to the German and
Foreign Law of Procedure.

Edited by Prof. Dr. A. MENDESSOHN Bartholdy and Dr. Fr. OETKER.

Pamphlet 14.

Employment of penal prisoners according to Reich Law and the
Crafts, with special regard to Bavaria.

By

Dr. jur. et rer. pol. Otto WEILEN
Assessorat (Law Counsellor) of
the town of Ludwigshafen on the Rhine.

Published by C.L. Hirschfeld, Leipzig 1923

Page 44 - 45

.

4. Concerning income from labor, the law on principle holds that
every labor shall be adequately rewarded. In accordance with
Art. 98 I sentence 2, a reward may be granted for domestic work
and work for the needs of the prison itself.¹ In the case of
self-employment the profit is retained by the prisoners after
a sum fixed by the Senior Public Prosecutor has been deducted
for the labor income fund. The profit from the other allocated
work goes into the labor income fund (Arbeitsverdienstkasse)

administered in each prison by the prison warden. This fund serves to meet maintenance costs, and part of the remaining profit - income share - is credited to the prisoners as reward which is not to exceed 25 pfennigs per day. However, not only the quantity turned out but also the industriousness and skill of the individual prisoners are to be taken into account, both in regard to the day wage to be fixed by the warden according to the tariff and the piece wage to be calculated on the basis of output. With the consent of the Vorstand (Director), the prisoners may use one half of their share of income² to procure additional food, writing paper, snuff etc.⁴ during their imprisonment, though they have no legal claim to it.³ As far as the credit - the amount of which is told to the prisoners at the end of each month and upon their release - has not been used up or is not needed to cover wanton or malicious damage, it is to be paid out to the prisoners upon their release or, if they are transferred, to the appropriate authority. The surplus which remains after this and after the overhead expenses have been deducted, is to be paid into the labor fund⁵ as explained in Art.100 P.O.G.

.....

(Footnote):

1. As a rule no compensation is granted for these duties (Finance Ministry decree dated 13 June 1883) compare also Art.3 of the announcement concerning the economic administration of the court prisons.

(Footnotes):

2. The prisoners working voluntarily may use the whole of their income share.
3. Concerning the right to claim wages compare pamphlet for prisons (Bl.f.G.) 32 page 59 and following.
4. Withdrawal of this concession by way of punishment in compliance with Art. 62 subsection 3.
5. Compare the announcement on the labor funds for the court prisons dated 16 April 1863.

Certified literal and correct copy of the above document.

Munich, 30 January 1948

signed: Dr. Holmut DL

Defense Counsel

Affidavit.

I, Dr. Ing. Hans SAUER, of Kronberg i.T., Schillerstrasse 6, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, hereby declare on oath that my statement is true and was made in order to be submitted as evidence to the Military Tribunal No. VI, Palace of Justice, Nurnberg, Germany.

In the course of my technical inspections in the I.G. Works, I also made several trips to Auschwitz. These trips were made for the purpose of gathering experience in the chemical-technical sphere and of exchanging views on the technical plane with other I.G. people. As far as I remember, Dr. Christian SCHEIDER took part in two of these trips to Auschwitz.

Together we viewed working camps of the Auschwitz works. I do not recall having seen a KZ called "Wagnitz" within the site of the works. All the camps and camp installations we entered and looked at were good and for the most part exemplary as to lay-out and management. I remember quite distinctly that we inspected, among other things, a training workshop for KZ inmates. It was guarded by SS-sentries and had been established for the purpose of training KZ inmates as electro-technicians for the works. The workshop itself and the way it was run made an excellent impression. The KZ inmates there looked normally fed, and they were working just as any other worker. They answered our questions freely and in detail. I also know that KZ inmates were working in Buna-Auschwitz. We neither witnessed nor heard of any maltreatment.

Document P ok X SCHEIDEL
SCHEIDEL Document No. 194
SCHEIDEL Exhibit No.

I did not know anything about the mass extermination as
have since come to light, nor was there anything to indicate
then. I myself did not observe the slightest sign in this respect.

Since I had been told in the beginning that the social
installations of the KZ (wood workshop, art workshop etc.) were
exemplary and worth seeing, I asked Dr. DUBOWITZ to arrange for
a visit to the KZ on the occasion of the next Toki-inspection.
However, for reasons unknown to me permission for this never
came forth and the visit never took place.

Kronberg, Taunus, 5 January 1948

signed: Dr. Hans SAUER
(Dr. Hans Sauer)

I, Dr. Euprecht STOKKEBAUM, hereby certify that the above
signature was made by Dr. Ing. Hans SAUER of Kronberg/Taunus,
Schillerstr. 6, before me, on 5 January 1948 in Kronberg/Taunus.

Kronberg/Taunus, 5 January 1948

signed: Dr. STOKKEBAUM
(Dr. Stokkebaum)

International Military Tribunal
Gestapo Exh. No. 25

Basic Order

1. No one; no office, no officer may learn of any matter that is to be kept secret, unless they must absolutely have knowledge of same for official reasons.
2. No office and no officer may learn more of any matter that is to be kept secret than is absolutely necessary for the carrying out of their duties.
3. No office and no officer may learn EARLIER of a matter to be kept secret or of that part necessary for them unless this is absolutely necessary for the carrying out of their duties.
4. Thoughtless passing on of orders, the keeping secret of which is of decisive importance, according to any kind of general distribution key, is forbidden.

Signed: Adolf HITLER

I confirm the verbatim and true copy of the above document.

Munich, 3 July 1947

Signed: Dr. FRIZILLA
Attorney-at-Law

Certified literal and correct copy of the above document.

Munich, 11 October 1947

signed: Dr. STOKERBAUM

EXCERPTS FROM THE CROSS-EXAMINATION OF THE WITNESS
CAMILLE SACHS

(21 August M-EM-3, MAIER
Military Tribunal No. I, case IV)

Page 6550

Q.: And did you hear that people were sent to Auschwitz,
because. . . .

A.: The first time I heard the name Auschwitz was in 1944. At
that time some young men were arrested in Nuernberg. In
the meaning of the national-socialistic laws they were
persons of mixed blood, of first grade, i. e. they had a
Jewish father and, using the national-socialistic phrasco-
logy, a mother of German blood. One heard from these
sources that these persons were being sent to Auschwitz.
Prior to that, the name Auschwitz was unknown to me. . . .

Page 6553 21 August -- M-EM-5-KRATZSCH, Military Tribunal II,
case IV.

Q.: Did you ever listen to foreign radio transmissions,
Herr SACHS ?

A.: During the war I listened regularly to foreign transmis-
sions.

Q.: Did any of these transmissions mention gas-chambers and
gassing ?

Page 6554 21 August -- M-EM-6-KRATZSCH, Military Tribunal II,
case IV.

A.: Evil deeds committed in concentration camps were men-
tioned, however I had no means of knowing what was

the truth and what was propaganda. This was discussed in intimate circles

Q.: Was the SS feared by the population in general ?

A.: Many circles of the population were in great fear of the SS. One heard even the name of the "black devils". During the war 2 SS-Unterscharfuhrer moved into our house as sub-tenants. My wife got so awfully excited that SS-men were going to live in our house that I had great trouble in calming her down. I would like to mention though, that these 2 SS-Unterscharfuhrer were only clerks and there was nothing to say against those two men personally

Page 6556 21 August - M-MB-1- KRATZSCH, Military Tribunal II, case IV.

Q.: Of which concentration camps did you know up to the 1 September 1939, i.e. the outbreak of the war, witness ?

A.: Of Dachau and Oranienburg.

Q.: When did you hear first of the concentration camp Neuen-gamme ?

A.: I have never heard anything of a concentration camp Neuen-gamme.

Q.: When did you hear of concentration camp Flossenbuerg ?

A.: I first heard of concentration camp Flossenbuerg about 1945 from this gentleman just mentioned.

Page 6557 21 August - M-MB-2- KRATZSCH, Military Tribunal II, case IV.

Q.: That is to say shortly before the end of the war?

A.: But I did hear of a concentration camp near Nuernberg which was said to be a branch camp of a concentration camp somewhere else. That was a camp in the vicinity of Fersbruck, near Happing. An underground plant for making parts of air-planes was being built there. The population was strictly forbidden to mention anything about this plant and about the camp. People who came from and lived in those parts reported that camp-inmates were being very badly treated there. It was said that these people were driven to work by reliable persons. I was told of an incident that cold water had been thrown all over a man who had been unable to work on account of fever, and similar things. I do not know whether it is correct that this camp was a branch of Flossenburg. In any case there was considerable excitement about this camp in Nuernberg amongst informed people. On the other hand, as I have ascertained after the war by making inquiries, many people did not know anything about this camp.

Q.: The Flossenburg camp is situated, as far as I know, near the Bavarian-Czech-Slovak border; it is therefore not so far away from here. And yet you did not know anything about it?

A.: The back-part of the Uppen-Palatinate is not much known in Huernberg. I have never heard the name of Flossenbuerg before.

Q.: Witness, when did you hear first of the concentration camp Gross-Rosen ?

A.: Never.

Page 6553 21 August -- M-MB-3-KRATZSCH, Military Tribunal II, case IV.

Q.: Hearing it from me now is the first time you heard of it ?

A.: Yes.

Q.: When did you hear of the camp Stutthof ?

A.: Never.

Q.: When did you hear of Natzweiler ?

A.: Never.

Q.: When did you hear of the camp Nordhausen ?

A.: Never.

Q.: When did you hear of Bergen-Belsen ?

A.: Only after the war.

Q.: When did you hear of the camp Lublin ?

A.: I heard something of that. I heard that Jews from Franconia and Thuringia were sent to Lublin, and one heard afterwards that they had been interned in a camp. That was how the name Lublin was mentioned.

Q.: When did you hear this, witness ?

A.: I believe that these Jew-transporte from Franconia and Thuringia started in 1942. First one heard: Riga, and I believe it was in the fall of 1942 when the word Lublin was heard.

Q.: Did you hear anything about what happened to these people, whether they had to work in factories?

A.: I received a postcard from someone from Nuernberg asking me to send him something.

Q.: Witness, when did you hear of the camp Maidanek?

A.: Never.

Q.: When did you hear of a camp Treblinka?

A.: Never.

Q.: When did you hear of a camp Belzec?

A.: Belson?

Q.: Belzec.

A.: Never.

Page 6559 21 August - M-MB-4- KRATZSCH-LUTZNER

Q.: And finally I should like to ask you, when did you hear of the concentration camp Holzec?

A.: Never.

The presiding judge: Did you not forget Auschwitz and Ravensbruck?

Dr. SMITH: He has made a statement about Auschwitz already. He has stated, if I understood him correctly, that he heard of it for the first time in 1944. However, I have not yet mentioned one camp, the Ravensbruck camp. That is correct, Mr. President

Witness: I never knew anything of the Ravensbruck camp. . .

Page 6561 21 August - M-MB-6- LUTZNER, Military Tribunal II, case IV.

Q.: Witness, may I assume that for personal reasons

you were particularly interested in clearing up these facts and that therefore you had special opportunities, and that you enjoyed more confidence than other people who were not in a similar position ?

A.: This last question is, of course, quite correct. Everybody who discussed things with me in private knew that he was perfectly safe. When I was a workman we had -- as the Gestapo never found out -- small anti-fascist circles amongst us, especially amongst the old trade union men who always had stuck to their straight line and confided in me;

Page 6562 21 August -- M-MB-7- LUTZNER, Military Tribunal II, case IV.

and we used to discuss all these things in the boiler house of the plant. It is correct, though, that there were people who -- although they had heard the name Dachau -- did not know anything further. Some of them did not want to know anything. I had some friends, reliable friends -- when I discussed these topics with them, they fought shy because they thought it more convenient not to know anything and because they thought all these things immoral so that they did not want to know anything about them at all. . . .

Page 6565 21 August -- M-GK-1- LUTZNER, Military Tribunal II, case IV.

Q.: In any case, one could not assume in view of connections which might have been utilized, ^{that} some sort of that mass-executions were carried on in these places

or that the possibility existed to find out that Jews were segregated there. Is that correct?

A.: Later on one heard that deportations had been made from Theresienstadt.

Q.: Did you not mention already that you had listened to foreign transmissions and that evidently you had been sceptical because one never knew what was propaganda and what was not. Is it not a fact that in these transmissions alleged facts were recorded which could be proved as fallacies by the people on the spot. I recollect to have heard for example nothing to be seen in Munich. Was not this fact apt to make one accept these transmissions with great scepticism?

A.: I believe that all propaganda must be accepted with great scepticism.

Q.: Did you state further -- this is my last question -- that from a definite date on certain incidents had become known. Was there any opportunity for the great masses to offer resistance with a measurable chance of success?

A.: No; otherwise we would have done so.

Dr. SPIEL: I have no further questions. . . .

Certified true copy of the above document

(signed): Dr. Folmut DIX

Excerpt from "Cross and Swastika"
The struggle of National Socialism against
the Catholic Church and the resi-
stance by the Church

by

Johann NEUHAEUSER
2nd edition, Part I

Published by: Catholic Church of Bavaria, Munich 1946.

2.19

..... SILENCE ON THE CONCENTRATION CAMP

Besides, we made a similar experience with regard to the events in the concentration camp itself. Also here there was the anxious endeavor to keep as many things as possible secret. And each person who was released had to give a written undertaking that he would not tell anything about the camp. So it is understandable that, before my arrest in 1941, a few people who had been released from concentration camps came to see me in the office, not in order to give any information, however, but, almost without exception, only with the aim of getting some material relief. One could observe how every question about conditions and experiences in the camp was disagreeable to them. Besides, one also was embarrassed oneself whenever single persons would begin to tell something on their own initiative. For one did not know whether they had not been sent as spies by the Gestapo. For the Gestapo did not disdain any means in order to catch in their net anybody who was not in favor and then to kill him off like game at bay

p. 20

.....

In front of such a danger from spies the only safe way of receiving news about Dachau and similar things would have been from completely reliable acquaintances. But there were only very few of them in such a small circle and even fewer who were released from a camp after a comparatively short time. And finally these few were extremely cautious and reticent in their tales, because they actually feared lest their report might somehow be reported or being made subject of a complaint by the episcopal authority and thus become fatal to them. Each of them knew what he had been forced to sign at his release from the camp. And even if he could have violated this extorted promise of silence without much difficulty, the fear of having to return to the "hell of Dachau" would close his lips.

A high ecclesiastical dignitary told me only a few days ago that on several occasions he had visited a priest F. in the hospital, who had been in a concentration camp. But whenever he had asked a few questions about the concentration camp, the detainee had always been gripped by fear and had replied: "I must not and cannot say anything about it."

Dr. Hans v. BOMHARD, surgeon at the "Deekersche Clinic" in Munich, on 7 February 1946 testifies as follows:

"Several of my patients who saw me in my office and whom I asked insistently, after their release from the concentration camp, about conditions there,

strictly refused every information, however small, with the remark that otherwise this might have had consequences for them."

An Austrian priest who, after his release from Dachau, had told at home that a neighboring clergyman had received the notorious 25 strokes, had to pay heavily for this, the Gestapo learned about this information - and the priest was taken to the concentration camp again.

On 15 August 1945 Count SEXTI informed me that he had been in India from 1935 until 1938 and that there he also had met some Jews who had been in Dachau. But P. 21 even at such a distance the Jews for the greatest part had not yet dared to give any more detailed information about Dachau. So great was the fear, even very far abroad, of being pursued by the spies of the Gestapo and of endangering thereby either oneself or the relatives left behind.

One only has to recall the case of Senior Government Councillor FROMMELT from Munich in order to admit such a possibility. In Sicily he had talked more openly to two Dutch women about the hostile attitude of National Socialists to the church. Without any malice or bad intention the ladies repeated it, the Gestapo got to know it, investigated the source, traced FROMMELT as the first teller of the story, arrested him and had him heavily sentenced.

83

..... Harping of spiritual care in prisons, ..
for prisoners-of-war and foreign workers.

Besides fettering the bestowal of the sacraments, the National Socialists also curtailed the general spiritual care by many restrictions and impediments.

In the prisons of the Gestapo, in the police prisons and concentration camps, in spite of every possible application and proposal by the Bishops, no spiritual care was allowed, not even for cases of death.

The spiritual care of the prisoners-of-war was greatly complicated; for example, only Army chaplains were allowed to hear their confessions.

The spiritual care of millions of foreign workers was even more subject to prohibitions and restrictions. The Poles for instance, were not allowed to attend the general services; at any rate they had to have a special place, separated from the Germans. Only once a month were they allowed to have a special service for themselves. Confessions could not be heard in Polish and either had to be made with the aid of the confession booklet in four languages which had been published by the Church, or it had to be substituted by general absolution. Only the dying were exempted from this prohibition.

The literal and correct copy of above document is hereby certified.

signed: Dr. Helmut DIX.

Excerpt from "The SS-State"
by Eugen KOGON
published by Karl LEBER/Munich 1946

Page 11:

.....

Excepted from this measure were only the special labor camps which had been created by the SS in very great numbers apart from the proper categories of concentration camps. Within them, the detainee had an enormous advantage: he knew that he would only remain for 6 to 12 weeks at the most and then would be allowed again to leave this hell. Alone this knowledge would make a great part of the torments more bearable.

The age of the single concentration camps was of far greater importance than the scheme of steps. The time of the establishment and construction of a camp was always the worst, whether it happened in the years 1933 - 1939 or during the years of war. After the time of construction, the misery at least used to consolidate itself. One knew, so-to-say, with what possibilities of longer one had to count constantly. The factor of insecurity somehow remained constant. Sometimes it was even possible actually to improve conditions in one or the other partial sphere. In such a case the adaptation of the individual would be effected with less difficulty, more camp inmates would survive the difficult time. But it must be fundamentally stated about all the camps that the first months after the outbreak of war, i.e. from September 1939 until the spring of 1940, everywhere brought a steep decline. During that half year the alienation was catastrophic. It could not be established whether this was to be traced to psychological reflections by the SS with regard to the war or to a general German

(page 2 of original)

supply policy. Only the fact remains that the general malnutrition in the camps at that time threatened to become a famine disaster. Towards the end of the war, from spring 1944 until spring 1945, conditions were equally bad, and aggravated by a hardly conceivable overcrowding of the camps, followed, as in 1939/40, by numerous epidemics. If therefore in the following.....

page 12:

the average conditions of the German concentration camps are described, one always has to take into account that undulating development: subnormally bad during the time of construction, - somewhat consolidated during the following years - almost disastrous during the first half year of the war - relative improvement in the following years of the war (a fact which was connected with the increasing value of manpower for war production) - absolute catastrophe during the last 3 - 4 months. This trend can be observed in all the concentration camps, whether they were on a higher or lower step. In places where living conditions had always been very low, the low ebb of this undulation naturally caused far greater masses of men to perish than this was already normally to be seen in the concentration camps.

page 23:

.....
The indispensable internal facilities such as detainees' infirmary, laundry, kitchen, canteen etc. were located adjacently or in between.

page 34:

.....

Page 331:

.....

What did the Germans know about the concentration camps? Hardly anything besides their existence, for even today they still know little. The system of keeping the details of the terror strictly secret and thereby making the horror anonymous but all the more effective, certainly has proved itself. As I have shown, many Gestapo employees did not know the interior of the concentration camps to which they committed their prisoners; most of the detainees had hardly an inkling of what was actually going on in the camps and of many details of the methods employed there. How should the German people have known them?

EXCERPT

from

Document Book II SPEER

in the IWT trial.

SPER Doc. No. 44

Dr. Walter SCHNEIDER

7 May 1944

Confidential - Personal

To Reich Minister SPEER.

. Thanks to your agreement of last autumn and winter with the Reichsfuehrer, by which the quota of equipment and armament production to be directly allotted to the SS be proportionate with the number of work-hours performed by the labor units provided by the SS camps of the Waffen-SS and police, the development mentioned above had fortunately been hampered and almost discontinued. We had, for that, to be responsible for the institution in our armament factories of the IZ-subdivisions, a source of much friction, but the material and human success outweighs by far the drawbacks which lie essentially in jealousy among the lower SS ranks. The present SS tendency not only annuls the initial success but, more than that, much foreign labor is being withdrawn from us because the number of concentration camp inmates is to be increased, so that in cases of small as well as more serious offenses of foreign workers these will be transferred from the foreign labor camps into concentration camps. In addition, there is the SS demand to draft a great many Jewish, especially female Jewish workers who, I dare say, liked to

work and worked with particular diligence in the small parts industry and here in the electro technical industry. Thanks to the food that our works managers always again manage to provide, difficulties notwithstanding, and thanks to the generally decent and human treatment given also to foreign and concentration camp workers, both Jewesses and KZ-inmates are doing a good job and do everything in order not to be sent back to concentration camps.

These facts should resily induce us to transfer even more concentration camp inmates to the armament industry.

EXCERPT FROM "NAZIS AND GERMANS"

A Record of Personal Experience by Harold PICTOR

London

George ALLEN & UNWIN LTD

(First published in 1940)

Page 54

.....

Throughout 1933 we were all - whether Germans or foreigner - impotent onlookers at one long series of arrests and dismissals...

Page 98

.....

When I was in Nazi Germany, it was from English sources that I first heard of the horrible cruelty that was being shown towards all opponents and towards Jews. . .

Page 100

.....

and gradually reports of torment and murder - murder by torment - spread, and fear made cowards of us all. Since then I understand and sympathize with cowardice. One who knew the facts told me something of the torment of a Social Democratic leader who was released and then threatened with a repetition of the torment. He killed himself. It was the only way out. Increasing diplomatic skill led the Nazis to practice their cruelty more secretly. That made it easier for foreign governments to take no notice. They made every use of this facility. And thus many Britishers were led to imagine that there was no more cruelty, except in the newspapers.

I suppose Christian governments have no compassion, except
when it suits high policy...

Page 120

.....

It is necessary to stress the fact that under Hitlerism
it is almost impossible to gather precise information in Germany
itself. From their accounts one would conclude that many
visitors to Nazi Germany were extremely naive persons, strangely
- and sometimes probably wilfully - blind to the main features
of Dictatorships. Such visitors see order, they see citizens
going about their business, they see enthusiasm, they are
hospitably received, have a pleasant change and they come
back home and talk glowingly of the charm of it all

The verbal and correct copy of the above-mentioned
document is herewith certified.

signed: Dr. Helmut DIX.

EXCERPT from

GERMANY AFTER THE COLLAPSE

by Max PRIBILLA,

published by Josef KLECHT; printed by Carolusdruckerei

Frankfurt on Main 1947.

Page 28-29

... However, it would be untrue to claim that there were no persons in Germany who knew of these conditions. Indeed, much of it escaped through by way of various channels and was passed on in a suppressed voice. The increase in the number and the extension of the camps, the mystery surrounding them, the many cases of death, secret informations and the general reputation of the Gestapo which managed the camps, gave rise to suspicions of only the worst. But how could a fight have been waged against these miserable conditions? No voice public criticism in the Reichstag or the press was impossible, since neither of them was free and their only task was to endorse slavishly what was being done in the name of National-Socialism. Therefore the fight could have been waged only from private quarters. But how? The inmates themselves were defenseless in the hands of their torturers; they had neither legal remedies nor legal advisors at their disposal. Their voice did not reach the public, and a revolt on their part could only aggravate their position. On their release

they had to commit themselves, under threat of the most serious punishment, to keep silent on the treatment in the camp; the fear of having to return to the place of their misery sealed their mouth. People, however, who were not familiar with these conditions lacked the data to prove their accusations in face of the vile methods of procedure adopted by the Gestapo. There was just as little chance for permission or for an opportunity to make an unfettered, critical inspection of the camps as there was for a talk with their inmates without supervision. Accusations or complaints, based only on general, undefined rumours or even reports from abroad, would have been rejected bluntly as unfounded and would have brought the person preferring them under the suspicion of holding an "insidious" opinion "hostile to the state", or would even have resulted in his commitment to a concentration camp. But if concrete cases were pleaded, incriminating witnesses were exposed to extreme danger unless they withdrew, under pressure, their statements, afraid of ill-treatment. Most of them drew the consequences from this "logical" position and kept silent, keeping to the proverb circulating among the population: "Dear God, make me dumb, lest I do to Dachau come".

...Max FRIBILLA, born at Cologne on 22 November 1874. Classical high school (Humanistisches Gymnasium). Studied law for three years; worked for a short time as "Referendar". Joined Jesuits in 1897.

Upon completion of studies in philosophy and theology university lecturer (Dozent) on moral philosophy. Since 1921 permanent correspondent of the monthly magazine "Stimmen der Zeit" (Voices of the time). Wrote on ethical and apologetical problems, especially on tendencies of uniting the Christian churches. Among others "Katholisches und modernes Denken" ("Catholic and modern thinking") (together with A. KESSER) 1924; "Kulturwende und Katholizismus" ("Beginning of a new epoch of culture and Catholicism") 1925, "Um kirchliche Einheit" ("On unity of the Churches") 1929.

This is to certify that this is a true and correct copy
of the above document.

Muornberg, 28 January 1948.

signed: Dr. Helmut DIX

Defense Counsel.

Excerpt from the Information Bulletin of
the Bavarian Ministry for Special Tasks.

No. 3/1

Munich, 3 September 1947, 2nd year

List

of internees who did not belong to criminal organizations,
but who, all the same, are not to be released in general:

....) all SS-leaders who received their rank for honor's
sake - no matter whether or not they were active as leaders -
since they were mostly patrons and supporters of the SS, and,
through their support rendered such services to the SS that
they are to be judged rather more severely than an ordinary
active member of the SS.

This is to certify that this is a true and correct copy
of the above document.

signed: Dr. about XIX.

Excerpt

from the Information Pamphlet of the Bavarian
State Ministry for Special Tasks, No. 7/8/9,
Munich, 15 October 1947, 2. volume,

"Membership and functionaries in the Party, in affiliated
associations and organizations, the official Party inquiries
of 1939, questions concerning the Reich leadership of the
NSWP. (Conveyed by the Military Government for Bavaria), page 90:

.....

- d) The local group leader was responsible for the POLITICAL
EVALUATION of Party members as well as of fellow citizens,
The evaluation was made according to a form, which usually
was sent by a superior office as a guide. In some local
groups forms of this kind were printed by instruction of
the local group leader. For the rest, political evaluations
were not only made according to the form, but, as they were
being dealt with, alterations were made and questions and
answers were added. The person who carried out the
political evaluations had the main influence on these.
(Paying membership in the SS or in the NSFK was not yet
sufficient for the recognition of political
reliability.) The main reason why persons preferred
becoming paying members seems to lie in the saving
of time resulting from a paying membership as opposed
to active membership. There were no connections between
the local group and the SS and Sturm offices, nor was
there a special counter-intelligence representative within
the local group."

H. HOEFLICH

Leuna, 28 September 1947
District Merseburg a/S.
Kaufhausstr. 2

Affidavit.

I, Heinrich HOEFLICH, Leuna (district Merseburg a/S.), Kaufhausstr. 2, having been duly cautioned that I render myself liable to punishment if I make a false affidavit, herewith declare on oath that my statement corresponds to the truth and was made in order to ^{be} presented as evidence before the Military Tribunal IV in the Palace of Justice, Nuernberg, Germany.

I have known Dr. Christian SCHNEIER for about 25 years, first as a chemist, soon after that as a member of the board of directors, and since 1935 as a member of the Vorstand and manager of the Ammonia plant Merseburg, Leuna plants. When the National Socialists seized power, the plant administration of the Ammonia plant, which the National Socialists considered "notoriously" democratic, frequently found itself in difficult situations, which made it extremely difficult to carry out many measures in the management of the plant and especially in the social care for the staff of this plant which had been exemplary for a long time. (- I myself belong to the personnel department of the former Ammonia plant Merseburg, now chemical plant Leuna, since 1921, and from the first years on I was called in to deal with the personnel matters of the scientists and soon after that also with those of the Prokurists and directors of the plant.-) Knowing the conditions into which the plant and the then plant administration had got through the seizure of power by the National Socialists, it was clear to me very soon

Document Book X SCHNEIDER
SCHNEIDER Document No.
Exhibit No.

that the plant managers had to do everything to comply with the feasible demands of the former Party offices etc. if they wanted to retain the management of the plant and, above all, the social care for the staff. Thus Dr. SCHNEIDER, as responsible manager of the plant and social manager of the I.G. could not evade the demand to become a paying member in the SS either. I am convinced that Dr. SCHNEIDER was not so much interested in supporting this affair as, by complying with such demands, in mitigating frictions as far as possible, which threatened to render more difficult the fulfillment of his great tasks as senior responsible director of the Ammonia plant for the management of the plant and the care for the staff as well as for the social welfare on the I.G.. As far as I know, Dr. SCHNEIDER had no further connections with the SS. Nor would this have corresponded at all to his personal attitude.

signed: Heinrich HOEFLICH

I herewith certify the signature of the commercial employee,
Heinrich HOEFLICH, Leuna, Kaufhausstrasse 2, personally known
to me.

Leuna, 5 January 1948.

The Council of the City of Leuna
(seal) For signed signature

Stamp:

One Mark - Pf.
fees charged
Control No. 37/1/48 Init.

CERTIFICATE OF TRANSLATION

14 February 1948

We hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of Document Book X SCHNEIDER.

Hanna Marie BIEBER, Civ. No. B-397 989. (Pages 45-46, 66-70, 107-109)

.....

Hildegard L. FIRTEL, Civ. No. 17 415, (Pages 1-2, 8-16, 91-97)

.....

Gerhard FISCHER, Civ. No. 17 397, (Pages 42-44)

.....

Rosl GETZU, Civ. No. 45 672, (Pages 17a-18, 71-76)

.....

Paul E. GROPP, Civ. No. B-397 975, (Pages 3-7, 54-58, 84-90)

.....

Hans NICHTENHUSER, Civ. No. 20 113, (Pages 39-44, 78-83)

.....

Alfred OBERLENDNER, Civ. No. 20 192, (Pages 19-27, 47-50, 98-102)

.....

Frederic L. PERL, Civ. No. B-397 943, (Pages 59-61)

.....

Ursula E. RUDOLPH, Civ. No. 20 130, (Cover, Index, Pages 28-38)

.....

Kurt SCHREUER, Civ. No. 35 299, (Pages 51-53, 62-65, 103-106)

.....

Case 6
Defense

Supplementary Document Book

II (XI)

for

Dr. Christian Schneider

submitted by

Defense Counsel

Dr. Hellmuth Dix

Stang



Table of Contents
of the Supplementary Document Book 11 for
Dr. Christian Schneider

Doc. No.	Exh. No.	Contents	page
286		Excerpt from the Swiss text of the Slavery Agreement dated 25 September 1926, dealing with the stipulations laid down by the United States in this agreement.	1
287		Affidavit of Dir. Phil. Borchardt of Jewish descent, dated 18 February 1948, concerning the character of Dr. Schneider and his attitude which was devoid of any anti Semitic feelings.	2-4
288		Affidavit of Foreman Franz Janoschka dated 17 January 1948, stating that after Janoschka's release from arrest, Dr. Schneider did all in his power to have him reinstated in the Leuna plant opposing the power of the Gestapo.	5-6
289		Affidavit of the Chief Foreman Hermann Heuer dated 17 January 1948, stating that Dr. Schneider prevented his arrest, and also protected him from other National Socialist attacks.	7
290		Affidavit of Dr. Heinrich Diekmann dated 30 March 1948 stating that due to an arrangement made by the participatory authorities, the honorary Counter-Intelligence Agents of the OKW were usually confirmed and/or commissioned by the Reich Main Security Office as political Counter-Intelligence Agents, without however, having to be active in this latter capacity.	8-9
291		Affidavit of Dr. Edward Schaumburg dated 15 March 1948 stating that "The House on the Moritzburg" to which, according to Prosecution Exhibit 1902, Dr. Schneider and Dr. Schaumburg were invited by the Gestapo together with other Counter-Intelligence Agents on 24 June 1943, is not identical	

Doc. No.	Exh. No.	Contents	page
		with the former headquarters of the Gestapo Halle. This prosecution document therefore does not refute the statement made by Dr. Schneider that he was never in the office of the Gestapo Halle.	10
292		Affidavit of Dipl. Ing. Kurt Hoffmann dated 6 December 1947 referring to the output of foreign workers, and the extra expenditure they entailed for the I.G.	11-14
293		Affidavit of Karl Schmid dated 20 January 1948 referring to the compulsory rationing of all essential commodities in Germany during the last war, which assured the allocation of food rations and essential commodities for foreign workers, and the efforts made on their behalf by the I.G.	15-16
294		Affidavit of Dr. Karl Krafft dated 17 February 1948 stating that no special regulations existed to assess the working capacity of foreigners, but that these opinions were based on the results of an objective examination.	17
295		Affidavit of Dr. Fritz von Hoermann dated 29 January 1948 stressing in particular Dr. Schneider's character, and the treatment he himself received as a convict in Leuna.	18-21
294		Affidavit of Dr. Heinrich Strombeck dated 13 February 1948 identifying the enclosed photographs which give an actual objective impression of the decent quarters allocated to foreign workers in Leuna.	22-27
296		Confirmation by the Diocesan Office of the Archbishop of Munich and Freising dated 23 March 1948, stating that the contents of the Schneider Document 121, excerpt from the book "Kreuz und Hakenkreuz" (Cross and Swastika) contained in Volume 10, bearing the identification number 70, is based upon authentic statements and experiences of ecclesiastical offices, particularly that of the diocesan office of the Archbishop of Munich and Freising, which cover the 12	

Doc. No. Exh. No.

Contents

page

	years of National Socialist dictatorship enclosing the relevant excerpt.	20-32
297	Affidavit of Pater Max Pribilla S.J. dated 25 March 1948, stating that the contents of the excerpt from the book by the affiant "Germany after the Capitulation" submitted in Volume 10 as Schneider Doc. Nr. 146 identification No. 74, are based upon his own observations and experiences, as well as reliable information received from others, enclosed with the legitimization of the affiant.	33-35
298	Excerpt from the cross examination of the defendant Frank before the IMT dated 18 April 1946, according to which this leading National Socialist official could not gain a clear picture of conditions in Polish concentration camps.	36-38
299	Affidavit of Prof. Karl Krauch dated 5 April 1948 stating that when Dr. Schneider was appointed Chief Plant Leader and Chief Counter-Intelligence Agent for the I.G., his position as sponsoring member of the SS was negligible, and that at the time both he and the Vorstand knew nothing of Dr. Schneider's membership in this organization.	39-40

I certify that all documents contained in this document book
are true verbatim copies of the documents submitted to the tribunal.
documents submitted to the tribunal.

Muornborg, 5 April 1948

(signed) Dr. Hellmuth Dix

Attorney

E x c e r p t

from the

S l a v e r y A g r e e m e n t

reached in Geneva on 25 September 1926
approved by the Chamber of Confederates on 3 October 1930
The document confirming Switzerland as a signatory to this
act was deposited with the Secretariat of the League of
Nations on 1 Nov. 1930.
Date of coming into effect for Switzerland: 1 Nov. 1930

xx) The United States has become a signatory to the agreement
with the following stipulations:

"The government of the United States, in conformity with
their policy regarding the rejection of compulsory
labor, unless imposed as a punishment for a crime, of which
a person has been found guilty according to the law, signs
the agreement, with the exception of para 1 in the second
section of Article 5 which reads as follows:

that with the reservation contained in the interim
provisions under para 2, forced or compulsory labor can
only be demanded for public services."

Certified that the above is a true and correct copy of the
original.

Nuernberg, 2 April 1948

(signed) Dr. Hollmuth Dix

Defense Counsel

A f f i d a v i t

Dir. Phil. Borchardt
Munich - Solln
Stroblstr. 3

18 February 1948

I herewith submit the following affidavit. I am quite aware of the significance of an affidavit.

I have known Herr Dr. Christina Schneider since 1912 when I entered the service of the then Badischen Anilin- u. Sodafabrik Ludwigshafen as an engineer.

At that time we were both working in the newly created Nitrogen department under the management of Dr. Carl Bosch, Dr. Schneider as a chemist in the laboratory and I in the plant which was dealing with the further development of the Haber-Bosch process.

Herr Dr. Schneider was even allocated a working place in the same room as I, so that from the very beginning we were in close contact. I can therefore say that I know Herr Dr. Schneider well, particularly as during the 10 years of my work in Ludwigshafen-Opau until my resignation from the I.G. Farbenindustrie in 1922, we were in more or less permanent contact, even after Herr Dr. Schneider was detailed to the Ammoniakwerk Merseburg.

During the whole of this time I got to appreciate Herr Dr. Schneider as an extremely kind and pleasant colleague, never experiencing any friction with him whatsoever.

I am of Jewish descent, a fact which was generally known in the I.G. Farbenindustrie. This was particularly the case because my

resignation from the I.G. was partly due to the insulting behaviour to which I was subjected to an ever increasing degree mainly at the hands of the very influential engineer Lappe, namely a long time before the Nazi regime.

Even after my resignation from the I.G. I always came into contact with Herr Dr. Schneider as Chief Engineer of a firm which was regularly employed in Leuna. When we met Herr Dr. Schneider never revealed any anti-semitic feelings. On my visits to Leuna I was always the guest of the Directorate, and on these occasions was received by Dr. Schneider (and the other members of the factory management) in the same amiable and comradely manner. This went on until 1937/38.

I never experienced in Dr. Schneider a political attitude based on Nazi ideology, because otherwise, personal differences would have arisen between us. I am therefore only able to confirm that Herr Dr. Schneider at any rate never participated in the odious persecution I experienced at the hands of the above-mentioned Herr Lappe, and that he never revealed himself to me as a Nazi, and that I therefore consider him as a kind comrade of impeccable character, who remained faithful to me during the most difficult times, so that I am glad now to be able to offer him my services, and to take his part as far as I am permitted.

(signed) Pg. Borchardt

Director of the Gesellschaft
für Linde's Eismaschinen A.G.
Hoellriegelskreuth near Munich.

Document Schneider No. 287

Exhibit No.

Document List No. 1242

I hereby certify that the above signature of Herr Philipp Borchardt
Director of the Gesellschaft fuer Lindo's Eismaschinen in Hoell-
riegelskreuth near Munich who identified himself by producing his
identity card.

Munich, 19 February 1948

The Notary

(signed) JR. Hippler

(Justizrat Heinrich Hippler)

Expense Account No. 1242

Fees 4.66
Tax -.12

RM 4.12

(signed) JR. Hippler

A f f i d a v i t

I, Franz Jendeschke, Louna, Kreis Morsburg, Morsburgerstr. 147, having been cautioned that I render myself liable to punishment if I submit a false affidavit, heroby declare under oath that my statement is true and was made to be submitted as evidence before Military Tribunal VI in the Palace of Justice Nuernberg, Germany:

I have been working in the Louna plant since 1919, and am now a foreman in the Winkler Generating plant. On 17 November 1938 I was arrested by the Gestapo, the reason given for my arrest was that I had made statements hostile to the State.

Although in the interrogation by the Gestapo I declared that I had never concerned myself with politics, and also had never belonged to a party, and that only in 1920/21 was I instructed to make preparations for the plebiscite in the Landkreis Morsburg which had been precipitated by the session of the Upper Silesian territories through the Versailles Treaty, my explanations fell on deaf ears. I was to be removed to a concentration camp. The Louna plant had to dismiss me on the spot.

In my distress I sent a petition from the prison to the Chief Public Prosecutor in Halle a.d. Saale, which resulted in my release from prison on 19 January 1939. The Gestapo however, would not permit me to be reinstated in Louna. Not until Herr Dr. Schneider had interceded on my behalf with the Gestapo was my reinstatement possible. Herr Dr. Schneider also assisted me to be employed again under the same conditions as before.

Louna, 17 January 1948

(signed) Franz Jendeschke

Document Schneider No. 288

Exhibit No.

CERTIFICATE

Herewith certified the signature of the plant foreman Franz
Janoschke, Leuna, Mersburgerstrasse 147, known to me personally.

Leuna, 9th February 1948

Leuna Town Council

by order

(signed) Signature

One mark -- Pfg.
Fee paid
Doc. No. 88/II/48

Document Schneider No. 288

Exhibit No.

CERTIFICATE

Herewith certified the signature of the plant foreman Franz
Janoschke, Leuna, Marsburgerstrasse 147, known to me personally.

Leuna, 9th February 1948

Leuna Town Council

by order

(signed) Signature

One mark -- Pfg.
Fec paid
Doc. No. 88/II/48

A f f i d a v i t

I, Chief Foreman Hermann Heuer, born 25 October 1890, Leuna Gaustrasse 4, having been cautioned that I render myself liable to punishment if I submit a false affidavit, hereby declare under oath that my statement is true and was made to be submitted as evidence before Military Tribunal No. VI in the Palace of Justice Huornberg, Germany.

I have been working in the Leuna plant since 1919. I have been Chief Foreman in the gas factory for more than 10 years. In March 1921 I was dismissed from the Leuna plant on account of my activity as secret agent, but after being unemployed for 7 months was re-instated on 4 Nov. 1921 by Dr. Christian Schneider.

Since the assumption of power by the National Socialists I was constantly subjected to insults by party members. I was reproached with having treated Party members badly, and in one instance of having slighted the Fuehrer's picture. The plant steward, a National Socialist demanded my immediate dismissal and arrest. During the war several complaints were made about me to the plant steward. Herr Dr. Christian Schneider always defended me energetically, prevented my arrest, and he also managed to have me excused from various fines.

Herr Dr. Schneider always acted in a social and kind manner towards the other colleagues and myself.

Leuna, 17 January 1948

(signed) Hermann Heuer

Certificate of the signature:

Herewith certified the above signature of the Chief Foreman Hermann Heuer, Leuna, Gaustr. 4, known to me personally.

(Seal)

Leuna Town Council
by order
(signed) signature

A f f i d a v i t

I, Dr. Heinrich Diekmann, Hirschhorn/Neckar, Jahnstrasse, having been cautioned that I render myself liable to punishment if I submit a false affidavit, hereby declare under oath that my statement is true and was made to be submitted as evidence before Military Tribunal VI in the ~~Federal~~ of Justice Nuernberg, Germany:

With reference to the question of the I.G. Counter Intelligence Service and the Chief Counter Intelligence agent Dr. Schneider, I wish to state the following:

I was working in Berlin from the middle of 1936 until 1945. I was in charge there of the Procurement Office 7 of the I.G. Farbenindustrie A.G. for Branch L (Nitrogen, Benzine, Oils). In this capacity I also held the position of a counter-intelligence agent for the above named office from approx. 1937/38 onwards, and from 1940 also held the office of a deputy chief counter-intelligence agent for the entire I.G., in so far as it concerned technical issues, especially those pertaining to the plant.

As such I can confirm that, generally speaking the honorary counter-intelligence agents who, in the first place had been appointed by the Wehrmacht offices to the so-called armament plants for the sphere of Counter Intelligence III (Economy) were also confirmed and commissioned later on by the Reich Main Security Office as so-called counter-intelligence agents for the political and police ^{ser-}_{vices.} However, I was never informed officially of the corresponding organization of the military or Party offices concerned. But my colleagues at work, and in the sphere of the counter-intelligence service in the plants were always of the opinion that the confirmation and instruction of a counter-intelligence agent in political and police spheres was fundamentally only a matter of form. For I never

know of one single case where the confirmation or commissioning of this parallel organization of the counter-intelligence service was ever the instrument causing any active political or police measures to be adopted with the exception of circulating directives which were set forth in writing.

I wish to state definitely that within the sphere of the I.G. non-Party members who had been appointed by the Wehrmacht as counter-intelligence agents were subsequently confirmed and commissioned as counter-intelligence agents for political and police spheres by the organization of the Reich Main Security Office.

Hirschhorn/Necker, 30 March 1948

(signed) Dr. Heinrich Dickmann

Herewith certified and witnessed, the above signature of Herr Dr. Heinrich Dickmann, resident Hirschhorn/Necker, Jehnstr. given before me Dr. Wolfgang Heintzler, Attorney.

Ludwigshafen/Rh., 30 March 1948

(signed) Dr. Wolfgang Heintzler

Attorney

A f f i d a v i t

I, Dr. Edward Schaumburg, residing in Karlstadt/Main, Fruchlingstrasse 468, having been cautioned that I render myself liable to punishment if I submit a false affidavit, hereby declare under oath that my statement is true and was made to be submitted as evidence before the Military Tribunal VI in the Palace of Justice Nuernberg, Germany:

The "House on the Moritzburg" is a building in which there is a hall used for meetings and catering purposes. The "House on the Moritzburg" is not identical with the former headquarters of the Gestapo in Halle. The latter had their office in the building which housed police headquarters.

Karlstadt, 15 March 1948

(signed) Dr. Edward Schaumburg

Forewith certified that the above signature of Dr. Edward Schaumburg is authentic, identified by identity card No. B -3142 issued 23 September 1946 by the Landratsamt Karlstadt/Main.

(seal)
Torm Schweinfurt

Above signature herewith
certified officially
Schweinfurt, 16 March 1948
Schweinfurt
by order:
(signed) signature

A f f i d a v i t

I, Kurt Hoffmann, Dipl. Ing., born on 17 September 1894 in Gera resident Ludwigshafen a/Rh., Erzbergerstr. 52, having been cautioned that I render myself liable to punishment if I submit a false affidavit, heroby declare under oath that my statement is true and was made to be submitted as evidence before the Military Tribunal VI in the Palace of Justice Nuernberg, Germany:

In 1922 I joined the then Badische Anilin und Sodafabrik Ludwigshafen a/Rh. and was employed as a piece work engineer. From 1930 onwards I was in charge of the Assessment Office, whose task it was to establish and supervise wages in the plant. In addition to my former sphere of work the direction of the personnel department of the plant was assigned to me in February 1940. Here I was in charge of the wage calculation office of labor allocation. Owing to the current meetings held with the representatives of the various branches of the plant and as I was supervising statistics, I had the opportunity of assessing the output of the employees who had come to the plant during the war.

The employment costs of the foreign workers exceeded by ^{far} those of any German employee who had his residence where he worked. Extra expenses were accrued for:

separation money,
free accommodation (in the case of private accommodation,
housing allowance)

welfare (interpreters, recreational activities,
health welfare),
Journeys to families at home, (single and return fares,
each time to the border station)

On the other hand the output could not be compared to that of the German workers, because the following reasons had a hampering effect

on the output:

There were many keen workers amongst these foreigners who had been allocated to us, who owing to the unemployment in their own country had come to Germany to earn a living for their families. A certain percentage however, was not accustomed to regular work, and even in their own country were considered below standard as workers.

In the majority of cases technical knowledge was lacking. Owing to the structure of our large chemical plant with its fully mechanized and controlled factories, we could always employ workers of any profession; but we were therefore dependent on their willingness to cooperate. Servicing and maintenance of machines entailed accuracy and a certain amount of responsibility. Technical knowledge could only be acquired after a long period of training. The foreign employees satisfactorily fulfilled this requirements to a certain extent.

The conditions were similar in the craft shops. In this case the foreigners could only acquire the essential specialized knowledge after long training and as assistants to German skilled workers.

Now and then difficulties arose in the construction branch with the numerous foreigners employed there. The unfamiliar working conditions for many unskilled workers, climatic differences, and the clumsy treatment experienced sometimes at the hands of the supervisory of the construction firms, and last but not least the lack of a rigidly organized work schedule, lead to a noticeable drop in the

output of the foreign civilian workers and PW's, who, it was estimated accomplished 40% of the normal output.

The approx. 20 different nationalities to which the foreign workers belonged, and the constant changes taking place rendered the situation very difficult. In the years 1941/42 there were

19 971 arrivals compared to
12 596 departures of foreign workers.

War-time circumstances with their unusual working conditions (camp accommodation, rationed food, in the case of the Eastern workers, restriction of movement and insufficient wages) and finally, during the last two years of the war the air-raid alarms which had become a daily event, were all factors which contributed to a decrease in output. And the obvious successes of the Allies on the fighting fronts during the last years of the war, naturally influenced the keenness to work.

We had to accustom ourselves to such unusual circumstances and nevertheless had to try to maintain an average output. This was mainly achieved by careful selection during allocation, training courses, regular transfers to more suitable jobs, and by assigning training groups to the skilled workers.

In consideration of the above-mentioned circumstances, I therefore estimate the average output of the foreign worker as being approx. 85% of that of the parallel German worker.

output the extra
With this low expenditure mentioned at the beginning, justifies the assumption that the foreign workers in our plants cost on the average 1.3 times that of a German worker.

Ludwigshafen a. Rh., 6 December 1947

(signed) Kurt Hoffmann

Document Schneider No. 292

Exhibit No.

Herewith certified and witnessed the foregoing signature of Dipl.
Ing. Kurt Hoffmann, Ludwigshafen a/Rh. Erzbergerstr. 52, given before
Dr. Wolfgang Heintzeler.

Ludwigshafen a/Rh. , 6 December 1947

(signed) Dr. Wolfgang Heintzeler

A f f i d a v i t

I, Karl Schmid, born 6 January 1884, resident Ludwigshafen/Rh. Friessenheimerstr. 40, having been duly warned that I am liable to punishment if I make a false affidavit, hereby declare on oath that my statement is true and was made in order to be presented as evidence before the Military Tribunal, Palace of Justice, Nuernberg.

1) As deputy manager of the economic department of the I.G. works Ludwigshafen a.Rh. I was responsible for the foodsupply of the many kitchens in the plant and camp of the works. This was an extremely difficult task, since all foodstuffs were rationed by the government, with the exception of fresh vegetables, which we produced on our own plots, thus being able to supply the kitchen with additional products. The rations were by far better and higher than those which are to-day available for the German workers. Even the rations of the Eastern workers, which according to regulations did not amount in quantity to those of the other foreign workers, were considerably more than the rations received to-day by the German workers. We tried by recruiting and assigning cooks from the ranks of foreigners employed in I.G. Ludwigshafen, to comply as far as possible with the taste of the individual nationalities. Even the last stage of the war did not change anything in our endeavour to provide the foreigners assigned to us with tasty varied food, as we tried to the very last day to feed everybody, be it German or foreigner sufficiently and well. I must however point^{out}, that

owing to the extended duration of the war was an increasing scarcity of certain foodstuffs, but even in such cases we tried to counter-balance.

2) Since every article of clothing, including shoes was rationed by the government, it was extremely difficult to supply foreign workers with these items which they needed particularly after bomb damage. Also in this respect the I.G. tried everything in its power to overcome these difficulties by making purchases abroad and from other sources. By order of Professor Krauch, the regional representatives as well as his connections abroad gave effective support in this matter.

Ludwigshafen a. Rhein, 20 January 1948

(signed) Karl Schmid

I herewith certify and witness the above signature of Karl Schmid, Ludwigshafen a. Rhein, Friesenholmstr. 40, given before me, Attorney Friedr. Wilh. Wagner.

Ludwigshafen a. Rhein, 20 January 1948

(signed) F.W. Wagner

Attorney

A f f i d a v i t

I, Dr. Karl Krafft, resident Ludwigshafen/Rhein, Woehlerstr. 10, having been cautioned that I am liable to punishment if I make a false affidavit, hereby declare on oath that my statement is true and was made in order to be presented as evidence before the
No. 1
Military Tribunal, Palace of Justice, Nuernberg, Germany.

From 1933 until 1947 I was chief factory doctor of the plant Ludwigshafen/Rhein of I.G. Farbenindustrie A.G. In this capacity I had decisive influence in the medical care extended to foreigners by the plant. With reference to the working ability of members of the sick insurance fund, the same applied to foreigners, that is to say, Eastern workers, as to the other members. Neither my former camp doctor, Herr Dr. Stoll nor I know of any orders issued by the Reich Medical Chamber or any other offices which made provisions for specific treatment of foreigners or Eastern workers. Judgment of working ability was given solely on the grounds of objective examinations.

Ludwigshafen/Rhein, 17 February 1948

(signed) Dr. Krafft

I herewith certify and witness the above signature of Herr Dr. Karl Krafft, Ludwigshafen a.Rhein, Woehlerstr. 10, given before me,
Dr. Wolfgang Heintzeler.

Ludwigshafen/Rhein, 17 February 1948

(signed) Dr. Wolfgang Heintzeler

Dr. Fritz v. Hoermann
Marburg, Lutherstr. 11

A f f i d a v i t

I am watching the trial against the Industrialists with great interest.

As my family and I, as Head of a fairly large plant, ^{have} been deprived of my position and wronged, and, - as has been proved on many occasions, - as opponent of National-Socialism, ^{have} been persecuted under this dictatorship in the most cruel and unjust manner, it naturally gives me great satisfaction to see that the real criminals and profiteers of the Nazi Regime are brought to justice and will be adequately punished.

However prompted by feelings for humanity, I must from amongst all the difficult days expressly refer to that period of time, during which I had been sent as a convict to work in Leuna. Roughly 30 convicts from prisons and concentration-camps of the entire Reich were assembled there, who were employed according to their professions as chemists, physicists, or laboratory assistants.

In spite of the fact, that after workinghours we received the same treatment, housing and scanty food as all other inmates of the prison Halle, we nevertheless definitely experienced during working-time in the Leunaplant dignified and human treatment. The plant-management assigned interesting and mentally satisfying work to us prisoners, who were under great mental stress. Working conditions were certainly according to the standards of a laboratory chemist. People who ⁱⁿ the plant had instructed with the task of supervision, such as chemists, ~~foremen~~, laboratory assistants, showed an almost comradly attitude towards the prisoners, although every personal contact was strictly forbidden and subject

to threats of punishment. One could not overlook the fact, that the plant management had issued specific instructions, and that it did everything in its power to ease our lot. Due to their intervention we received additional food, which was of decisive importance to maintain the standard of health and finally the current distribution of tobacco was very welcome.

The entire technical library was at the disposal of scientific workers, and members of the plant intervened on our behalf on many occasions, thus putting themselves into a very precarious position. Actually everybody who came into contact with convicts can be mentioned in this respect (people who thought differently kept away in any case). Foreman Zappo, Dr. Laves, Dir. Dr. Harnisch and not least plant manager Dr. Christian Schneider must be particularly mentioned.

Looking at it from this point of view, I regret Dr. Schneiders fate extremely, since I know, that all his associates, who at that time had worked together with him already for many years, described him as a person of extraordinary decency and purity of heart, who would never stoop to act incorrectly.

I often had the opportunity of meeting other groups of prisoners, P.I.'s, foreign workers etc., who as is well known, were employed in the plant by the thousand. I saw with my own eyes groups of pitiful figures, who were often driven to work with riflebutts under SS guard. Undoubtedly many suffered greatly at the hands of their supervisors.

The plant management had nothing to do with all these matters. It was the duty of the people in charge of the plant, to fulfill the scheduled production program, if they did not want to render themselves guilty of sabotage. In no way did they however have any influence with regard to assignment of required workers.

My period of assignment in Louna since September 1943 unfortunately ended already in July 44, and in connection with a second trial before the special criminal court, which, as is well known, was entitled to try political cases exclusively, I experienced in the prison Kassel-Fehlheim all the evil aspects of National-Socialist criminal procedure. Under the existing chaotic circumstances, I had to suffer there an additional week of close arrest by the lowest winter temperatures, since I was denounced by a fellow prisoner, while building a radio. It was with nostalgia that I recall the pleasant time spent in Louna and I was happy, that at the last moment beyond point of endurance, I was again sent back to Louna in February 1945. There I found my old fellow workers healthy, their comradly spirit unchanged and full of hope that the war would end soon. Although, the plant had sustained further damage through air attacks, and people had lived through quite unpleasant situations, I found nothing but esteem and appreciation towards the leading personnel of the plant. Although the assignment of skilled workers was useful, and, on the other hand the lot of the prisoners was made easier, the judicial authorities knew

where their profits lay and how to make use of them. I.G. paid them for every prisoner RM 6.-- per day. From this sum, the prisoners received RM 4.25, as salary which was put on their account. If one however considers that according to the sentence, prisoners had to pay RM 1.50 per day in advance to the treasury for their food and housing in those questionable penitentiaries, - in my case advance payment for full 3 years! - then the income amounted to RM 7.50 per prisoner daily. As far as I know the average in the Reich, all expenses were calculated as RM 3.--, so that the state earned roughly RM 4.25 daily by exploiting the prisoners working capacity. This may have been one of the reasons, why at that time prisoners could hardly count on an amnesty. And how many thousands were exploited in a similar way?

Finally I would like to point out once again, that I have every reason to expect that the real Nazi-criminals will be severely punished. On the other hand I would be very glad, if in all other cases - and particularly in that of Dr. Christian Schneider - I would have contributed to the knowledge, that people existed, who, even during the unfortunate period of National-Socialist dictatorship, ^{by} fulfilling their professional duty to the letter, did not have to participate in crimes, which were committed at that time and often in their immediate vicinity.

I am making the above statement under oath.

Marburg, 29 January 1948

(signed) Dr. Fritz v. Hoermann

I herewith certify the signature of Herrn Dr. Fritz v. Hoermann.
Marburg, 29 January 1948

(signed) Dr. Hans Kautenberg
Notary

A f f i d a v i t

I, Dr. Ing. Heinrich Strombeck, born 10 February 1885, resident Rosenthal Krs. Frankenberg/Edler, Nr. 243 having been duly warned that I render myself liable to punishment if I submit a false affidavit, hereby declare under oath that my statement is true and was made to be submitted as evidence before the Military Tribunal in the Palace of Justice in Nuernberg, Germany.

I studied mechanical engineering at the Technical College Braunschweig, and graduated there as Dr. Engineer in 1913. Since 1919 I was employed in the Leuna plant of I.G. Farbenindustrie A.G., first as deputy chief of the mechanical engineering department, later as chief of the technical department.

I have been asked by a Defense Counsel in the I.G. Trial to give my opinion on a number of photographs submitted to me. I herewith certify, that these photos, which I have signed at the back and which are compiled in the enclosed and signed list, are actual pictures showing the quarters for foreign workers in the Ammoniak plant Morseburg G.m.b.H. Leuna plant. Due to my official activity, I am well acquainted with all camps and quarters, which were built and installed by the Leuna plant.

to
I want emphasize, that I make my statements to the best of my knowledge and belief. Since I have no documents whatsoever at my disposal, and therefore have to rely solely on my memory, ~~small~~ errors are not improbable, which however would neither disturb or influence the picture as a whole.

Exhibit No.

The pictures within the series are arranged in the following sequence: (naturally only as far as the respective pictures were available). General view, dining rooms, kitchens, dormitories, bathing installations, dispensaries, day rooms, recreation rooms.

The individual picture series are listed once again as follows:

Newly built camps:

- A Hut settlement Leuna West (1-9) Labor camp, at first occupied by German conscripted workers, to which foreign workers were added at a later date.
- B Quarters for single persons
I Duerrenberg (10-17) Labor camp occupied mainly by French partly Italians
- C Hut camp Spergau (18-25) Labor camp, occupied by Russians at first
- D Community camp Spergau (26-37) Camp for workers and employees, workers of various nationalities which were separated according to nationalities within the camp

Reconstructed inns

- E Hotel Stadt Hamburg Halle (38-41) Camp for employees of various nationalities, many Dutch
- F School Lustzen (42-45) Camp for workers and employees of various nationalities
- G Quarters for single persons
Inn Meuschau (46-48) Labor camp, cannot recall occupants
- H Quarters for single persons
Halle Leuchtturm (49-50) Labor camp, cannot recall occupants
- I Community camp Caja (51-53) Labor camp, cannot recall occupants

Although the pictures are selfevident, I would like to make the following comments:

Disregarding the expense, everything was done by the Leuna plant, mainly by the plant leader Dr. C.S. in order to furnish the quarters for the foreign workers as suitably, cleanly comfortably and homely as possible. There were a total of more than 50 camps, which had partly been reconstructed as hatted camps. To a certain extent available hotels or inns had to be used. In such cases first class hotels (cf Hotel Stadt Hemburg Halle) and the best inns were chosen and suitable alterations were carried out for the new quarters.

The camps were under the direction of particularly capable employees, who had to make arrangements for the best type of equipment and to see that the camp inmates were satisfied.

The rations were prescribed by the authorities, capable innkeepers were contracted, who were responsible for catering and often received special allocations of provisions (vegetables etc) for the workers food. These innkeepers were under constant supervision. In general I would like to say with reference to the food, that in view of the conditions prevailing at that time, it could be regarded as sufficient and good.

Dining halls were spacious. The crockery was clean and plenty was available.

As far as possible, the dining halls were equipped with stages, where theatrical, variety, musical and other performances took place. On many occasions the camp inmates got together and organized their own bands, or performing groups; the performances enjoyed a good reputation. Camp West was particularly famous for its equipment (c.f. picture 2, 37)

The kitchen and washing facilities were exemplary and were cleaned many times daily. There were boilers for soup and first class cooking utensils for meat dishes, mincing and cleaning machines, in the kitchens. Many kitchens were equipped to cater for 1000 - 2000 persons at the same time.

Medical care was such, that the camp physicians, who had cars at their disposal were present in the camp at certain times and treated the patients or conducted general examinations. There were rooms for medical examinations, wards, and in larger camps convalescent wards. In severe cases the patient was naturally transferred to a hospital.

Kindergartens were installed if required, in the community (family camps).

A maternity home was installed in Bad Duerrnberg (pictures of this are not available in this report).

There were writing and reading rooms, and places for games of every kind for recreational periods. Very often gymnastic apparatus were available in the local communities. And besides this the foreign workers could visit German cinemas and dance halls at any time.

Many individuals and groups visited the camps e.g. representatives of the countries of origin of the workers, who always praised our installations.

Rosenthal, 13 February 1948

(signed) Dr. Heinrich Strowbeck

Document Schneider No. 284

Exhibit No.

I herewith certify and witness the above signature of Dr. Heinrich
Strombeck resident Rosenthal Nr. 243, given before me Dr. Rupprecht
Storkobaum on 13 February 1948 in Rosenthal.

Rosenthal, 13 February 1948

(signed) Dr. Rupprecht Storkobaum

1-9 Hut settlement Louna West	52508, 54866, 52514, 52515, 54859, 52513, 52511, 54856, 53301
10-17 Quarters for single persons I Duerrenberg	55398, 55393, 55391, 55392, 55504, 55395, 55397, 55400,
18-25 Hatted camp Spergau	49225, 49226, 49227, 49229, 49230, 49232, 49233, 49231,
26-37 Community camp Spergau	56433/18, 56433/30, 56433/16 56433/17, 56433/1, 56433/25, 56433/2, 56433/5, 56433/4, 56433/28, 56433/15, 56433/11,
38-41 Hotel Stadt Hamburg, Halle	49238, 49239, 49240, 49241,
42-45 School Luetzen	55825, 55826, 55823, 55821,
46-48 Quarters for single persons inn Meuschen	48842, 48840, 48841,
49-50 Quarters for single persons Halle Leuchtturm	48837, 48836,
51-53 Community camp Caja	53015, 53014, 53016

Supplement to the affidavit of Dr. Heinrich Strombeck

Rosenthal, 13 February 1948 (signed) Dr. Heinrich Strombeck
(Dr. Heinrich Strombeck)

I herewith certify and witness the above signature of
Dr. Heinrich Strombeck resident Rosenthal No. 213, given before
me Dr. Ramprocht Storkebaum on 13 February 1948 in Rosenthal.
Rosenthal, 13 February 1948

(signed) Dr. Ramprocht Storkebaum

Vicarage General No.....

Diocesan office of the
Diocese Munich and Freising

Munich, 23 March 48
Pfandhausstr. 1
Telephone 12901

A f f i d a v i t

I herewith declare under oath, that the contents of the excerpts from my book "Cross and Swastika", made by Dr. Hellmuth Dix, Attorney, part 1, page 83, part 2, page 19-20, are based on authentic statements and experiences of ecclesiastical offices. Particularly those of the Diocesan Office of the Archbishop of Munich and Freising, which cover the 12 years of National Socialist dictatorship.

Seal
Suffragan Bishop

(signed) J. Neuhausler
(Dr. Joh. Neuhausler)
Suffragan Bishop of Munich

The above signature is herewith certified:

Seal
of the Diocesan Office

(signed) Buchwieser
(Buchwieser)
Vicar General

True and correct/^{copy} of the above documents.

Nuernberg, 2 April 1948

(signed) Dr. Hellmuth Dix
Defense Counsel

Excerpt from " The Cross and the Swastika "

National Socialism's struggle against the Catholic
church and its resistance

by

Johann Neuhaeusler

2nd edition

Publisher : The Catholic Church of Bavaria , Munich , 1946

Part II

page 19

. Secrecy , onshrouding the concentration camp .
We experienced the same thing with regard to events taking place at
the concentration camp itself. Anxious attention was paid to the
fact that secrecy should prevail as much as possible. Each person
released from the camp was compelled to sign an agreement to the
effect that he would not make any statements regarding the camp. Thus
it is understandable that prior to my arrest in 1941 , I was visited
in my office by a few persons released from the concentration camp ;
without barely any exception however they came to me for assistance
and not to give information . One was aware , how disagreeable
it was for them to be questioned on conditions and experiences in
the camp . It was embarrassing , if some started to relate their
experiences of their own accord. For , how could one tell whether
they had not been sent by the Gestap as a spy . Any method , no
matter how base , was good enough for the Gestapo to ensnare
people in its net who displeased it and to dispose of them as was
seen fit.

(page 1a of original)

Page 20

In view of such danger from informers , one should have gathered information about Dachau and similar matters only from strictly reliable acquaintances . There were however very few such persons among immediate acquaintances and fewer who had returned from a camp after a short period .

(page 2 of original)

Finally , these few were very careful and reticent in relating their experiences since they feared that information passed on by them would in some way be spread around or be used as a basis for a complaint by the episcopal authorities , thus ending in disaster for them. Each one knew what he had signed when released from the camp. Even if he could have disregarded this duty for secrecy gained at the point of extortion , his mouth remained closed for fear of being returned to the " Hell of Dachau " .

An ecclesiastical person of high standing related to me a few days ago that he frequently visited a priest in the hospital who had been in the concentration camp . However if he made but the slightest reference to the subject of concentration camps, the inmate became alarmed and said : " I am not permitted to make any statements about that " .

Dr. Hans von Bomhard , surgeon at the " Dacker Klinik " in Munich testifies the following on 7 February 1946 :

Several of my patients whom I urgently questioned about conditions in concentration camps after they had been released from there , absolutely refused to divulge any information whatever on the grounds that it would have had consequences for them .

An Austrian clergyman , who after his release from Dachau , related at home how a neighborhood clergyman had received the notorious thrashing , was punished severely for it . The Gestapo was informed about it and the clergyman had to return to the concentration camp .

On 15 August 1945 , Count Spreti related to me that he had been in India from 1935 until 1938 ; even there he had met Jews who had been in Dachau . Even there

page 21

/ far from danger , they did not dare to reveal any details about Dachau ,

(page 3 of original)

Even in the remotest corners of the earth there was that ever-present fear of being pursued by Gestapo spies and thus endangering ones own persons or the lives of relatives who remained behind . One need only consider the case of Senior Government Councillor . Frommknacht of Munich to count with such a possibility . In Sicily , he had openly discussed National Socialism's anti-church attitude with two ladies from Holland . Without having any bad intentions , the ladies talked about it; the Gestapo came to know about it , investigated and discovered that it was Frommknacht who had first told the tale . He was arrested and severe sentence was imposed on him .

Part I

page 83

. Hampering the administering of spiritual care to PW's ,
foreign workers and in prisons .

Apart from shackling persons when receiving the holy sacrament , the administering of spiritual care on the whole was hampered by many restrictions and limitations .

In spite of many ecclesiastical petitions and proposals it was not permitted to administer spiritual care in Gestapo and police prisons and in concentration camps . This applied even in death cases.

Administering spiritual care to PW's was made extremely difficult ; they were allowed to confess only to chaplains.

Even more restrictions and limitations were placed on administering spiritual care to the millions of foreign workers , Poles for instance , were not permitted to attend regular church services ;

(page 4 of original)

At any rate , they were allotted a special place in church , segregated from the Germans. They were allowed to hold special services only once a month . Confession could not be made in the Polish language but had to be made either with the aid of a confessional register published by the church in four languages or be replaced by general absolution . Only death cases were excepted from this ruling .

Certified herewith that the above is a true and correct copy of the original .

Nuernberg, 2 April 1948

signed Dr. Hellmuth Dix

Affidavit

I, Max Pribilla , residing at Munich 22 , Veterinaerstr.9 , after having been cautioned that I render myself liable to punishment if I make a false affidavit , hereby declare on oath that my statements are true and were made in order to be presented as evidence before the Military Tribunal in the Palace of Justice , Nuernberg, Germany :

Statement

I hereby state that excerpts taken from pages 28-29 of my book " Germany after the capitulation " (Publisher : Josef Knecht , Carolusdruckerei , Frankfurt am Main , 1947) by Attorney Dr. Hellmuth Dix , are based on my own observation and experiences and on reliable information from others. As many of my fraternity brothers were in the concentration camp, and since I helped in mitigating their cruel fate in captivity , I am in a position to judge from my own observation .

Munich , 25 March 1948

signed Max Pribilla S.J.

Certified herewith that the above signature of Max Pribilla , residing at Munich 22 , Veterinaerstr. 9 , was made in Munich before me , Franz Xaver Mueller.

Munich 22, Kaulbachstr. 31a,

25 March 1948

Stamp

signed : F.X. Mueller S.J.
Provincial

Herewith certified that the above is a true and correct copy of the original .

Nuernberg, 2 April 1948

signed Dr. Hellmuth Dix

Excerpt from the Book

" Germany after the Capitulation "

by Max Friebilla

Publisher : Josef Knecht , Carolusdruckerei , Frankfurt am
Main , 1947

pages 28-29

. It would , however , be untrue to assert that there was no one in Germany who knew about these conditions . Somehow , news leaked out and was spread about in whispers . The increase in camps and their expansion , the secrecy about it all , the many deaths and secret information as well as the general reputation of the Gestapo which administered these camps led me to believe only the worst . But how to fight such a state of affairs ? Public criticism in the Reichstag or in the press was out of the question since both these institutions were devoid of freedom and were only faced with the task of slavishly approving everything that happened in the name of National Socialism . The struggle could thus be led only by private sources . But how ? The inmates themselves were at the unrestrained mercy of their tormentors ; no legal remedy or aid was available to them . Their voices were not heard in public and a revolt by them would only have resulted in aggravating their position . Under pain of severe punishment , they were forced to keep silent on the treatment in the camp when released from there ; their mouth was closed by the prospect of being returned to a life of torture . On the other hand interested persons lacked the documentary proof with which to substantiate their charges of vile methods being used by the Gestapo . A free critical inspection of camps and talking to inmates without supervision was neither permitted nor possible .

(page 2 of original)

Charges and complaints that were based only on general uncertain rumours or perhaps even on foreign broadcasts would have been immediately rejected as unfounded . Any person filing such charges would have been suspected of " malicious conduct inimical to the State " or taken to a concentration camp .

But in presenting concrete charges , incriminating witnesses exposed themselves to extreme danger , if , under the threat of maltreatment , they did not themselves repudiate their statements.

In such a state of " law " , most people preferred to keep silent by adhering to the proverb circulating among the population

" Good God , not to Dachau I shall come , if you will just keep me
mum " .

Certified herewith that the above is a true and correct copy of the original .

Nuernberg, 2 April 1948

signed Dr. Hellmuth Dix

E x c e r p t

from the testimony of the Defendant F r a n k, before the
International Military Tribunal on 18 April 1946.

German Page 8072

Q: Witness, when did you hear for the first time about the concentration
camp Maidanek?

A: I heard the name of Maidanek for the first time in 1944, in
connection with foreign reports. But there were contradictory
reports for years about that camp in Lublin or near Lublin, if I
may say so. Governor Zoornar reported to me, I believe already in
1941, that the SS had intended to establish a large concentration
camp near Lublin and had sent large orders for building materials.
At that time I charged State Secretary Fuchler to investigate the
matter immediately and I received the report later in writing also
from Reichsfuehrer SS Himmler that he had to establish a large camp
in order to take care of the requirements of the Waffen-SS for
clothes,

German page 8073

shoes and laundry by manufacturing them in large SS-owned shops.
Thus, that camp was established under the title "SS-Works" or
something similar.

Now, I have to say I was in a position to get information since the
witnesses who have been heard thus far have said under oath that
among the circle of the Fuehrer one did not know anything about all
these things. We out there were apparently more independent and I
heard quite a lot through enemy broadcasts and enemy and neutral
papers. Upon continuous questioning as to what was to happen to the
Jews who were deported

I was always told they were to be sent to the East to be collected there and to work there. But one could smell the stench through the walls so to say and therefore I always insistently investigated what was going on. Once I received the report that there was something going on near Belsak. I went to Belsak the next day. Globotschnik showed me a huge ditch which he had set up as a protective wall with many thousand workers, apparently Jews. I spoke to some of them, asked them where they came from, how long they were there, and he, Globotschnik told me: "They work here now and after they are through -- they came from the Reich or somewhere from France -- they will be sent further to the East."

In that area I did not make any further observations.

The rumor that Jews were killed in that manner which is now known to the entire world, that rumor did not die. When I asked for permission to visit the SS-workshops near Lublin in order to get some impressions about the value of the work being performed, I was told that I would need special permission from Heinrich Himmler.

German page 8074

I asked Heinrich Himmler for special permission and he stated that he would urgently advise me not to go to the camp.

Sometime passed, and on 7 February 1944, I finally succeeded for the third time, that is, during the war, in getting an audience with Hitler personally. In Bormann's presence I asked him: "My Fuehrer, rumors about the extermination of Jews do not cease; one hears them everywhere;

One cannot get into any camp. Once, I arrived in Auschwitz surprisingly to see the camp; before I ever got there I was told there was an epidemic in the camp and I had to take a detour. I say, my Fuehrer, what is behind all that?" The Fuehrer said: "You can very well imagine that executions are taking place, those are insurgents, otherwise I do not know anything. Why don't you speak to Heinrich Himmler about that?" - I then said: "Very well, Himmler has made a speech in Cracow in front of all the employees whom I had assembled, in which he declared that these rumors about the systematic extermination of Jews were false; the Jews were merely being shipped to the East." The Fuehrer then said: "Well, you will have to believe that."

Certified herewith that the above is a true and correct copy of the original.

Munich, 2 April 1948

(signed) Dr. Helmuth Dax

Defense Counsel

A f f i d a v i t

I, Prof. Dr. Carl Krauch, at present Nuernberg, Palace of Justice, ^{been} after having cautioned that I am liable to punishment if I make a false affidavit, hereby declare on oath that my statements are true and were made in order to be presented as evidence before the Military Tribunal No. VI, Palace of Justice, Nuernberg.

Prior to suggesting to Admiral Canaris the appointment of Christian Schneider as Hauptabwehrbeauftragter (Chief of Intelligence Agents) of the I.G. Farbenindustrie A.G. in 1940, Hermann Schmitz consulted me about this matter. I did not know at that time that Schneider was a sponsoring member of the SS. So far as I know this membership was likewise not generally known among the circles of the Vorstand. Therefore - apart from its meaninglessness - it could not have been decisive for Schneider's appointment as Hauptabwehrbeauftragter of the I.G. For the same reasons, it also could not have been decisive for Schneider's appointment as Hauptbetriebsfuhrer (Chief of plant leaders) of the I.G. Farbenindustrie A.G.

Nuernberg, 5 April 1948

(signed) Carl Krauch

Certified herewith that the above signature of Prof. Dr. Carl Krauch, Palace of Justice, Nuernberg, was made before me, Attorney Dr. Conrad Boettcher.

Nuernberg, 5 April 1948

(signed) Dr. Conrad Boettcher

Document Schneider

CERTIFICATE OF TRANSLATION

23 April 1948

We, the undersigned herewith certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the document Schneider.

Pages:
I-V
1-14

Pages:
15-28

Pages:
29-39

FLORA C. GOTTSCHALK
Civ. No. 20094

Susanne DAVID
Civ. No. 20174

CHARLES GORDON
Civ. No. B-316497

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 93

Target 2

von Schnitzler(part)

1-8

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Defense
Case 6

DOCUMENT BOOK I

for

Dr. Georg von SCHNITZLER

MILITARY TRIBUNAL VI

CASE VI

PRESENTED BY

DR. WALTER SIEMERS,

ATTORNEY AT HAMBURG.

Georg



TABLE OF CONTENTS

of Document Book I

for Dr. Georg von SCHNITZLER

Documents Nos. 9-24, Pages 1 - 152.

Schnitzler No.	Exhibit No.	Description of Document	Page
<u>Aggressive War</u>			
9		Examination of Dr. Schacht on 9 September 1946 by the prosecution re. campaign funds for the Reichstag election in March 1933	1-4
10		Transcript excerpt from the Flick trial on the examination of Dr. Schacht on 21 July 1947 re. campaign funds for the Reichstag election in March 1933	5-13
11		"I.G. and the Commemoration of the Fallen (Heroes)." In March, 1933, I.G. raised a flag over its administration building in Frankfurt, but it was <u>not the new flag</u> . (Excerpt from the "Frankfurter Volksblatt" of 14 March 1933.)	14-15
12		Accepted in the IMT trial as Reader Exhibit No. 18: Excerpt from: Winston Churchill: "Great Contemporaries", London, 1935, concerning the <u>Judgment on Hitler in 1935</u> .	16-18
13		Publication of the speeches of Goering and Hitler in the Preussenhause (Prussian House), in the "Völkischer Beobachter" (official newspaper of the NSDAP)	19-22
14		Affidavit of <u>Under Secretary of State, Dr. Richard Kuehlmann</u> . Churchill urged Kuehlmann as late as 1937 to join the national socialist party	23-24

Schnitzler No.	Exhibit No.	Description of document	Page
15		Accepted in IMT trial as Raeder Exhibit No.23; <u>Common proclamation of Hitler and Chamberlain in Munich, on 30 Sept.1938</u>	25 - 26
16		Accepted in IMT trial as Exhibit No. US 25 (so-called Key Document) Hitler's address to the Commanders in Chief of the Wehrmacht on 5 November 1937, in the Reich Chancellery, before the Reich War Minister v.Blumberg, the three Comm- anders in Chief of the Wehrmacht, Freiherr v. Fritsch, Dr.h.c.Raeder, and Goering, and the Reich Foreign Minister Freiherr v. Neurath (Transcript of Colonel <u>Hossbach</u>)	27-39
17		Accepted in IMT Trial as Exhibit US 27 (so- called Key Document) Hitler's address to military leaders, on 23 May 1939, in the new Reich Chancellery. (Transcript of Lt.-Colonel (Oberstleut- nant) <u>Schmundt</u> of the General Staff)	40-54
18		Accepted in IMT trial as Exhibit US 29 (so-called Key Document) Address of Hitler to the Commanders in Chief, on 22 August 1939, at Obersalzberg.	55-64
19		Accepted in IMT trial as Raeder Exhibit No.27. Hitler's address at Obersalzberg, of 22 August 1939, with the wording by Admiral- General Boehm	65-81
20		Accepted in IMT trial as Exhibit US 23 (so- called Key Document) Address by Hitler to the Commanders in Chief on 23 November 1939	82-96
21		Excerpt from the Judgment of the Interna- tional Military Court of 30 September /1 October 1946, which shows that a sentence relative to aggressive war must have for its promise: positive knowledge of Hitler's aggressive plans as laid down in the 4 secret conferences (See 4 Key Documents, Nos. 16-20)	97-145

Schnitzler No.	Exhibit No.	Description of Document	Page
22		Affidavit of Frau <u>Else Albrecht</u> , concerning <u>Schnitzler's</u> trip abroad in August, 1939	146-147
23		Affidavit of Frau <u>Bertha Boyer</u> , concerning <u>Schnitzler's</u> trip abroad in August, 1939	148-149
24		Affidavit of Frau <u>Lilly von</u> <u>Schnitzler</u> , concerning <u>Schnitzler's</u> trip abroad in August, 1939	150-152

* * *

I, Dr. Walter Siemers, lawyer in Hamburg, at present
a member of the defense counsel at the United States Military
Tribunal in Nuernberg, hereby certify that the accompanying copy
agrees literally with the
excerpt from Document No. NI - 6399

Interrogation of Hjalmar SCHUCHT

in Nuremberg, Germany, at 1430 - 1530 hours
on 9 September 1946.

Nuernberg, 14 January 1948.

(Dr. Siemers)

Excerpt from Document No. NI-6399

(page 1 of original)

Interrogation of ~~H. H. H.~~ SCHLACHT
at Nuremberg, Germany, 1430 - 1530
on September 9th, 1946.

Interrogators: Mr. Foster Adams
Mr. Pomeranz
Present: Mr. J.P. Chermatz
Mr. Miller
Mr. Rudolph
Prof. Kraus
(Dr. Schacht's lawyer)
Reporter: Miss J. Wakefield

(page 10 of original)

Q.: When was the first time that anyone tried to enlist your interest in fund-raising ?

A.: February 1933 at that meeting. Hitler said we need a banker will you help us. I said all right if this is not for your Party alone.

Q.: At that time you were a banker without a bank?

A.: I had no business at that time.

Q.: So that in raising funds for Hitler at that time, since you did not^{to} present any bank and you have said you did not represent a party, who were you representing ?

A.: Myself.

Q.: What did you expect were to be the source of the funds?

A.: They told me that they had invited all kinds of bankers, industrialists and so on.

Q.: I would like to get this clear. You were acting as treasurer not for any particular party but for all parties of the Reich?

A.: The Hugenberg party, Volkspartei and Hitler.

Q.: Now was there any statement made as to how the collected funds would be given out?

A.: According to the existing number of deputies in the Reichstag.

- 2 -

Q.: Now in fact did you make distribution of these funds?

A.: No, they were made by Hess.

Q.: But your signature was required?

A.: I gave the funds to Hess.

Q.: In total to Hess at one time?

A.: No, from time to time.

Q.: Did you ever ask Hess how he proposed to allocate funds?

A.: No, I left it to the leaders of the three parties to look after it.

(page 11 of original)

Q.: Did you know how the funds were allocated by Hess?

A.: No.

Q.: Did you ever make a statement about the funds?

A.: No. The funds were paid to Dalbrueck Schickler & Co. in Berlin in my name and when Hess asked me I gave a check until it was used up. Then I closed the account.

Q.: Do you have any idea now as to how the funds were allocated?

A.: No, but the rule was to divide it according to the number of deputies of each party, which meant the biggest part went to the National Socialists and a small part to Hugenberg's and Deutsche Volkspartei. All this is in the Schnitzler affidavit.

September 16th 1946.
Hjalmar Schacht

Witnessed

Foster Adams
Ardic Minbruck

" .. CERTIFIED TRUE COPY"

- 2 -
END

DOCUMENT BOOK I SCHWITZLER No.
Exhibit No.

- 3 -

I, Fred Lax, No. K 046207, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of document No. NI - 6399.

Nuernberg, 7 July 1947.

Fred Lax,
No. K 046207

DOCUMENT BOOK I SCHNITZLER No. 10
Exhibit No.

I, Dr. Walter Siemers, lawyer in Hamburg, at present
a member of the defense counsel at the United States Military
Tribunal in Nuernberg, hereby certify that the accompanying
document,

Examination of the witness Dr. Hjalmar SCHLICHT

by Dr. Dix

is a literal copy of the transcript of the session of Military
Tribunal No. IV, Case V (Trial of Flick and others), in Nuernberg,
Germany, on 21 July 1947 at 0930 - 1230 hours, pages 3948 - 3954.
in German and pages 3990-3996 in English.

Nuernberg, 28 February 1948.

(Dr. Siemers)

Protocol of the Session of the International Military
Tribunal No. IV, Case V
(Proceedings against Flick)

Kuernberg, Germany, 21 July 1947, 9:30 - 12:30 hours,
Page 3948-3954 German, Page 3990-3996 English.

Examination of the witness Dr. Hjalmar SCHACHT
by Dr. Rudolpf DIX.

.....
.....

Q.: It says here among the circumstantial evidence of the prosecution that, when in February 1933, - after the seizure of power - industry made that famous donation. Flick donated a sum towards that fund, the amount of which I don't remember exactly but which was more or less in accordance with his financial situation. You were present when that collection was made, so would you please tell the Tribunal something about the reason, the purpose and the motive for that donation? Would you tell us something about the political effect of that donation?

A.: Your Honor, I myself was asked to attend that conference. Goering sent out the invitations and we were asked to go to the house of the President of the Reichstag, and that was Goering in those days. Goering himself, with his adjutant, had made out the list of the people who were to be invited and as far as I saw, almost all the leading men of German industry from all its branches were represented, and I did not hear that even one of them refused to accept the invitation. They all turned up.

- 2 -

I must revert to one point on which I touched before. I must say that that happened at a time when Hitler was already Reich Chancellor. It was on the 30th of January that Hitler became Reich Chancellor and I believe that this conference was held about the 25th of February.

Q.: On 22 February.

A.: It was the 22nd of February or the 25th of February - I don't remember exactly.

Now, that event occurred to which I referred before, that is to say, industry naturally was always out to go along with the rulers of the State. I may remind you that after the collapse in 1918 which followed after the First World War, Hugo Stinnes, who certainly previously had belonged to the right, all of a sudden hit on ^{have to make a pact with the Social Democrats, because that would} be the idea that now he would be the only possibility to continue business. And then, he made that famous agreement with the leaders of the trade unions, Legien and Hue, when the Social Democrats and free trade unions together joined with industry to make possible the continuation of an orderly economic life in Germany.

Industry found itself in exactly the same situation after Hitler had seized power. I am always using the word "seizure of power" because the Party introduced that. Naturally that is nonsense. Hitler was appointed Chancellor quite regularly in a legal manner, by the Reich President Hindenburg, according to the provisions of the constitution, and here is the decisive thing. He was not head of a National Socialist cabinet but he headed a coalition cabinet consisting of the National Socialists and the Deutsch Nationale Volkspartei, the German National people's Party. One of the conditions

- 3 -

on which the parties had agreed at the time, when on 30 January the cabinet was formed, was -- I heard about that only afterwards because I had played no part in the formation of the cabinet -- one of the conditions was that a new election was to be held in order to get the coalition approved by the electorate.

That election was fixed for the 5th of March, and at the end of February that conference was held with the industrialists for the purpose of establishing an election fund. At that conference Hitler developed his political ideas before the industrialists and promised them exactly those very things in which they were interested; that is to say, maintenance of private property enterprises, avoidance of all future strikes and lockouts, that is to say, labor peace. Those the industrialists were interested above all. They always merely were the things in which ~~re-~~ politics as a means to main-
garded
tain their enterprises for naturally it is of the greatest importance for every industrialists to be able to keep and employ his workmen in peace.

At that conference, after Hitler's address, Krupp von Bohlen, the old gentleman who unfortunately on account of illness can no longer appear here, got up and although only a few weeks before he had expressed his definite opposition to the National Socialist movement, at this conference, he said, "Well, if you promise us a policy of this kind, then our interests are protected and we will support you." Then it was decided to establish an election fund, not for the National Socialist Party, but for the two coalition parties; that is to say, for the parties of which the cabinet consisted.

- 8 -

DOCUMENT BOOK I SCHNITZLER No. 10
EXHIBIT No.

- 4 -

Q.: They were three parties, weren't they, Dr. Schacht?

A.: One moment. During the discussion a representative of the German people's party, Deutsche Volkspartei - rose and said, "My party, the Deutsche Volkspartei the German People's Party - will join in this coalition during the election, and therefore I make a motion that the German People's Party too should have a share in this fund." And the decision was made accordingly.

Therefore, collections for the fund were made for the three parties; the German Nationals, (Deutsch-Nationale), the German People's Party, (Deutsche Volkspartei) and the National Socialist Party. Naturally, the distribution or the allocation of that fund could be made only according to the existing circumstances; that is to say, on the basis of the seats which they had occupied in the Reichstag as it had been up to then. Otherwise it would have made no sense. But there was a hope in the case of the German National Party and with the German People's Party that at the election they would succeed in getting back to their part of the National Socialist voters who before had left them and had gone over to Hitler. That hope turned out to be a delusion, but they could not know that at the time. It had, at any rate, been their hope. The interesting thing about that election is this; whereas in November when Reichstag elections had been held too, Hitler lost twenty seats to the Communists, how as Chancellor he recaptured those twenty seats from the Communists and the Communists lost those twenty seats. That shows how the radical elements, in the distress of the times, wavered all the time between the right and the left, between the extremes.

- 9 -

It is a fact, therefore, that the industrialists did collect that fund at the time for the three parties. It was decided to collect the funds by the various groups among themselves without Hitler and without myself -- I played no part in that because I was no industrialist; at that time I was a private banker -- by the industrialists among themselves deciding that the iron industry would give so-and-so much, that the chemical industry would give so-and-so much, that the textile industry would give so-and-so much, that the electrical industry would give so-and-so much, and so forth. Within those groups the industrialists among themselves came to an agreement as for the amount which would have to be donated by every firm, and naturally that was not done according to the political wishes of the various industrialists; it was done according to the size of their enterprises, according to the number of their workmen or according to the size of their output.

And if I may now come to the case of the Flick enterprise, his enterprise was, so to speak, forced to join a certain group, and the amount which Flick donated - I don't even know that amount - that had been fixed internally. I believe, without his being able to have any essential influence on the matter.

Q.: Now, Dr. Schacht, the way you have described it to us, that the entire industry collected a fund for that important political purpose, that is to say, to strengthen the bourgeois side of the coalition, in opposition to the radical Nazis, now that you have done that, please do not be offended, but I would like your comment, I would say that the industrialists didn't behave very nobly by giving three millions for the entire industry. Would you call that an enormous contribution? - 10 -

- 6 -

A.: I think that is a very normal donation. I would not say that it was a very striking donation, for to pay for an entire Reichstag election with three million Reichsmark, I wouldn't say that that was an adequate amount. I heard that for other elections in earlier days much greater sums were expended.

Q.: That is what I mean. Both of us know the National Socialist rulers and their relationship to other people's money and other people's properties. Are you personally of the view that Hitler during the election at the end of March, if he wanted to make sure that in this election he would come out victorious, had to depend on a voluntary donation for his particular party purposes, or do you believe that the Nazis after the seizure of power would not have been able to lay their hands on such amounts in some way or other if they had needed those amounts?

A.: Your Honor, I was the treasurer of that fund that is to say, the donations came to me and I issued them according to instructions. I had no decisions of my own to make about the expenditure. I merely received and paid out the money. When the election was over, there remained in that fund six hundred thousand marks; that is to say, only 2.4 million marks were expended. I don't know how much of that money went to the other two parties, but in any case they must have received a certain amount.

Perhaps Hitler's party had at its disposal about two millions at the most. Naturally he could have obtained that

- 7 -

money quite easily privately; that is to say, he could have obtained it from individual firms or persons. Formerly the parties did not use to call a conference of people but approached individuals, and naturally what happened was - if I may mention some names - that firms like Klöeckner and the old man Thyssen. August Thyssen, they always donated money to the Center Party because they were Roman Catholics. Other people donated for the German Nationals, others for the German People's Party. The electrical industry gave much to the Democratic Party, and during the years after the First World War I would assume that the Social Democrats, too, obtained money from one or the other big firm when that agreement between Stinnes and the trade unions had been concluded. The amount of the donation is no difficulty and was of no importance for Hitler.

Q.: According to your experience, are you of the view that the amount in itself stood in any direct relationship to the result of the election of March 1933? Would you say that it had a decisive or essential influence on the fact that during that March election the National Socialist Party had the result of which we know?

A.: I would say that for every election campaign a certain amount of propaganda is necessary to awaken some interest in the election, but in those days of misery, when Hitler in July 1932 had already obtained a vote from fourteen million voters and where now he had obtained power, it was not to be expected that those voters would have left him. It was only a case

- 12 -

- 8 -

of those drifters who were constantly wavering between the right and the left, and those drifters probably would always have followed the rulers, those who held power as it happened in this case. That is to say, they would have followed Hitler in any case because they expected him to do something.

Q.: He did promise them a great deal.

A.: Well, one can say so.

Q.: To the masses, too?

A.: To everybody.

Q.: Also to those who labored and were burdened?

A.: Yes.

Q.: And to the millions of unemployed?

A.: Yes, Well, that was the promise which he did keep. He did give work to all of them. As to whether he did it himself or whether others did it, that is another question.

.....
.....

- 13 -

Frankfurter Volksblatt, Number 62, of 14 March 1933.

The I.G. and the Fallen Honor

As is commonly known, the largest administration building in the world, which the I.G. (Farbenindustrie) has built for itself is located in Frankfurt. In the garden in front of the pompous Central Building TWO ENORMOUS FLAGPOLES rise into the air, and the General Management seemingly does not know why they exist. In any case, on Sunday, when all Germany was thinking of its fallen dead, of the world war, they stood there ^{AS IF} THE WHOLE THING DID NOT CONCERN THEM.

The many voters who were directing their ways to the polls in the Lessinggymnasium (Lessing Junior College) and who passed this great building shook their heads with misgivings as they noticed the completely undecorated flagpoles. In this regard the strangest opinions could be heard from the passers-by. One would say that things were being managed so economically here that no flag appropriation was provided so that a new black-white-Red Flag could be purchased. Another person, who was not a member of the Aryan race, said in all earnestness that "if they dare to display the Black-white-Red, we will let their stock drop from 5 to 10 per cent on the Stock Exchange tomorrow". And another, a simple man of the people, sat in anger and said to his wife: "OH THE DEVIL, there we see again how the millionaires feel about those who sacrificed everything in the World War."

And what do the thousands and thousands of officials and employees of the I.G. say about this when they see that their

- 2 -

General Directors, do not even think enough of the comrades who fell in the world war as to buy a new flag? Or is it, perhaps, that an attitude of hostility to the new Government is indicated by the attitude taken by these high ranking persons? In neither case sufficiently strong words could be found to expose such an attitude.

* * * * *

I hereby certify that the above newspaper excerpt was clipped from the National Socialist "Frankfurter Volksblatt", No. 62, of 14 March 1933.

Muenberg, 9 March 1948.

(signed:) Dr. Berndt

Dr. Erich Berndt.

Attorney at Law and defense counsel
in Military Tribunal No. VI.

- 15 -

DOCUMENT BOOK I SCENITZLER No. 12
Exhibit No.
number No. 18

Certification by Dr. Siemers, Attorney-at-Law.

I hereby certify that the following excerpt from the book

"Great Contemporaries", by Winston Churchill

London 1935,

is a true copy of page 261 of the book.

Kuernberg, 12 March 1948.

(Dr. H. Siemers)

Winston Churchill: "Great Contemporaries"

Page 261;

London 1935.

Hitler and his choice.

"It is not possible to form a just judgement of a public figure who has attained the enormous dimensions of Adolf Hitler until his life work as a whole is before us. Although no subsequent political action can condone wrong deeds, history is replete of examples of men who have risen to power by employing stern, grim and even frightful methods but who nevertheless, when their life is revealed as a whole, have been regarded as great figures whose lives have enriched the story of mankind. So may it be with Hitler-. Such a final view is not vouchsafed to us today (written in 1935). We cannot tell whether Hitler will be the man who will once again loose upon the world another war in which civilization will irretrievably succumb, or whether he will go down in history as the man who restored honor and peace of mind to the great Germanic nation and brought it back severe, helpful and strong, to the forefront of the European family circle. It is enough to say that both possibilities are open at the present moment. If, because the story is unfinished, because indeed its most fateful chapters have yet to be written, we are forced to dwell upon the darker side of his work and creed we must never forget nor cease to hope for the bright alternative."

I, Dr. Walter S i e m e r s , Attorney-at-Law in Harburg, at present defense counsel at the Military Tribunal in Nuernberg, hereby certify, that the attached copy corresponds literally to the article

"The Fuehrer and Goering to German
Industry"

"The word "Impossible" does not exist"

published by the "Voelkische Beobachter", Southern German edition, Munich, Monday, 20 December 1936, 355th edition, 49th annual publication.

Nuernberg, 15 January 1948

(Dr. W. Siemens)

Excerpt from:

"Voelkischer Beobachter"

Southern German edition, Munich,

Sunday, 20 December 1936, 355th edition, 49th year:

"The Fuehrer and Goering:

to German Industry "

"The word "Impossible" does not exist."

Berlin, 19 December.

On Thursday afternoon Minister President Generaloberst Goering held a fundamental and extensive lecture for the men of German industry, concerning the part which German industry is to play in the execution of the Four Year Plan.

As the basic idea, the Minister president declared as introduction to his lecture that industry is not the primary thing but that it must serve the policy of the state. The aim of National Socialist policy is the well-being of the nation as a whole. This is the meaning and purpose of all struggles and measures which the National Socialist movement has carried out hitherto. It is obvious that in a National Socialist Germany there is no longer room for the outdated principles of a liberal economic policy.

Minister President Goering gave the most detailed directives with regard to the steps to be taken

-2-

and showed by numerous pertinent examples that by means of the Four Year Plan the men of German industry are given an opportunity to use their own initiative successfully.

At the close of his two hour statement Minister President Goering called German industry to mobilise its entire resources to meet the Fuehrer's demands.

After the Minister President's speech which had been followed with the greatest attention and admiration

the F u e h r e r

to the pleasant surprise of all those present, began to speak himself.

The Fuehrer declared among other things that the political leaders had to adjust the interests of individual and to subordinate them to the greater interests of the community, in the knowledge that economy cannot live in a vacuum and cannot be built on doctrines and theories, but that in the end its fate would be determined by the entire life of the nation.

The Fuehrer then gave an extensive survey of the special position of German industry and its tasks, by explaining the necessity of returning to the basic idea of extending its own production in all fields.

"The word "Impossible" does not exist here!"

- the Fuehrer called to the men of industry, pointing out the tremendous willpower and determination with which the National Socialist movement

-5-

had conquered a great Reich and with which the German government, in barely four years, had made this Reich free and independent. With the same willpower and the same determination an attempt was now to be made to perform all that human beings are able to perform, in order to exploit all our resources.

For this reason he has entrusted with the execution of the Four Year Plan a man with an inflexible will, of whom he knows that the phrase "It cannot be done" does not exist. This man, his old comrade in arms and Party member, Goering, will transform his decision and order into fact.

The Fuehrer concluded his speech with an appeal to the men of German industry:

"Trust the man whom I have appointed. He is the best man I have for this task. A man of the greatest possible willpower and resolution. Go with him. With this we shall lay the foundations for a German economy, which has its roots in the strength, stability and security of the German Reich."

"If we adhere to this task fanatically, then both will be handed down to posterity: the political leadership because it and its men wanted and achieved something, and German industry with all its workers, because it mobilized its entire strength for the execution of this task."

The Fuehrer's words, which were greeted with tumultuous applause, left a deep impression on all those assembled who hailed the Fuehrer with three "Sieg-Heils."

APFIBAZIE

I, Dr. Richard v. Kuchlmann, born on 3 May 1873 in Constantinople, Staatssekretär at the Foreign Office (retired), residing in Ohlstadt (Upper Bavaria) after having been warned that any false statement on my part will render me liable to prosecution hereby declare on oath the following for the purpose of it being submitted to the Military Tribunal in Nuernberg.

I was employed in the German diplomatic service from 1899 until 1918; from 1907 until 1914 I was Botschafterrat (ambassy counsellor) at the German Embassy in London. My relations with prominent British politicians, among them in particular Winston Churchill, date back to this time. I did not only maintain these relations after my retirement but also after 1933.

Based on my own personal relationship with official circles abroad I am convinced that through the medium of their Berlin embassies and legations which frequently stood in very close personal contact to the leading personalities of the Nazi regime, they could have learned far more about the inner aspects of Nazism even after 1933 than could the Germans themselves. In spite of this up to the time of the Munich Agreement (September 1938) the leading British politicians stubbornly held on to the idea that a political understanding with Hitler was essential to their island realm. In his biography of

- 2 -

great contemporary voice, which was published in 1937, Churchill obviously spared Hitler and left open the question of whether he would become a blessing or a curse for Europe.

After 1937 Churchill tried hard to persuade me to become a Party member; if people like I stayed away moderate opinions would never be voiced in the NSDAP leave alone gain the upper hand. He told me that in political life it was at times impossible to avoid throwing one's pet ideas overboard; how often had he been forced to do this when entering a new cabinet; I was clinging too stubbornly to old ideas.

For personal reasons I did not follow Churchill's advice, but learned from this conversation that even a man like Churchill thought a peaceful development of the relationship between Great Britain and Hitler-Germany possible and considered the collaboration with the NSDAP of moderate circles as practical and even necessary.

Ohlstadt, 29 December 1947

signed: Richard v. Kuhlmann

R. v. Kuhlmann

I hereby certify and attest the above signature which was appended before me today by Dr. Richard v. Kuhlmann, who is personally known to me.

Ohlstadt, 29 December 1947

signed: Dr. Rupprecht v. Keller

= 24 =

DOUGLAS BOOK 1 - SUBSERIALS 1, 13
SERIALS 1, 13

Declaration by Attorney-at-Law Dr. Stinson

I herewith certify that the following documents:

"Joint Declaration of the Foreign and the British
Prime Minister Chamberlain, Munich, 30 September
1938"

from the

Office of the Foreign Office H. J.,
Berlin 1939.

Documents on the events leading up to the War

is correctly copied on page 147, Document 1, 217.

Munich, 1 March 1948

(Dr. Stinson)

TO THE DIRECTOR, FBI
FROM THE SAC, NEW YORK
SUBJECT: [Illegible]

Reference is made to the report of the New York Office dated 1/15/54, captioned as above, and the report of the New York Office dated 1/16/54, captioned as above.

The New York Office is advised that the information received from the New York Office on 1/15/54, captioned as above, is being furnished to the New York Office for its information.

The New York Office is advised that the information received from the New York Office on 1/16/54, captioned as above, is being furnished to the New York Office for its information.

Very truly yours,
Special Agent in Charge

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

3

[Redacted]

Doc. (IKT) No. 386 PS- US 25

EC-44

SECRET

SECRET

at the Conference in the Reichkanzlei
on 5 Nov 1937 from 16:15-20:30 hours

Present: The Führer and Reich Chancellor

The Reichminister for War, Generalfeldmarschall
v. BLOMBERG

The Chief of Army, Generaloberst Freiherr von
FRITSCH

The Chief of Navy, Generaladmiral Dr. h.c. RAEDER

The Chief of Luftwaffe, Generaloberst GOERING

The Reichminister for Foreign Affairs Freiherr
v. NEURATH

Chief Research

The Führer stated initially that the subject matter
of today's conference was of such high importance, that
it would be discussed in other states
before the Cabinet, in full session. However,
the Führer had decided NOT to discuss this matter
before the inner circle of the Reich Cabinet, because of its
importance. His subsequent statements were the result of
careful deliberations and of the experiences of his
service in Government; he desired to explain to those
present the fundamental ideas on the possibilities and
necessities of expanding our foreign policy and in the
interest of a long-term policy he requested that his
statements be placed upon in the case of his death as
authoritative and final.

The Führer then stated:

Expansion of German policy is the security and the
prosperity of the nation and its propagation. This
is a long-term problem of space.

Our population comprises 85 million people, which,
because of the number of individuals and the compactness
of the population, form a homogeneous European racial body,
which cannot be found in any other country.

- 2 -

On the other hand it justifies the demand for larger living space more than for any other nation. If there have been no political consequences to meet the demands of this racial body for living space then that is the result of historical development spread over several centuries and should this political condition continue to exist, it will represent the greatest danger to the preservation of the German nation (Volkstum) at its present high level. An arrest of the deterioration of the German element in Austria and in Czechoslovakia is just as little possible as the preservation of the present state in Germany itself. Instead of growth, sterility will be introduced, and as a consequence, tensions of a social nature will appear after a number of years, because political and philosophical ideas are of a permanent nature only as long as they are able to produce the basis for the realization of the actual claim of existence of a nation. The German future is therefore dependent exclusively on the solution of the need for living space. Such a solution can be sought naturally only for a limited period, about 1 - 3 generations.

Before touching upon the question of solving the need for living space, it must be decided whether a solution of the German position with a good future can be attained, either by way of an autarchy or by way of an increased share in universal commerce and industry.

Autarchy: Execution will be possible only with strict National-Socialist State policy, which is the basis; assuming this can be achieved the results are as follows:

- A) In the sphere of raw materials, only limited, but NOT total autarchy can be attained:
 - 1) Wherever coal can be used for the extraction of raw materials autarchy is feasible.
 - 2) In the case of ores the position is much more difficult. Requirements in iron and light metals can be covered by ourselves. Copper and tin, however, can NOT.
 - 3) Cellular materials can be covered by ourselves as long as sufficient wood supplies exist. A permanent solution is not possible.
 - 4) Edible fats - possible.

- 3 -

B) In the case of foods, the question of an autarchy must be answered with a definite "NO".

The general increase of living standards, compared with 30 - 40 years ago, brought about a simultaneous increase of the demand and an increase of personal consumption even among the producers, the farmers, themselves. The proceeds from the production increase in agriculture have been used for covering the increased demand, therefore they represent no absolute increase in production. A further increase in production by making greater demands on the soil is NOT possible because it already shows signs of deterioration due to the use of artificial fertilizers, and it is therefore certain that, even with the greatest possible increase in production, participation in the world market could NOT be avoided.

The considerable expenditures of foreign currency to secure food by import, even in periods when harvests are good, increases catastrophically when the harvest is really poor. The possibility of this catastrophe increases correspondingly to the increase in population, and the annual 560 000 excess in births would bring about an increase consumption in bread, because the child is a greater bread eater than the adult.

Permanently to counter the difficulties of food supplies by lowering the standard of living and by rationalization is impossible in a Continent which had developed an approximately equivalent standard of living. As the solving of the unemployment problem has brought into effect the complete power of consumption, some small corrections in our agricultural home production will be possible, but NOT a wholesale alteration of the standard of food consumption. Consequently autarchy becomes impossible, specifically in the sphere of food supplies as well as generally.

Participation in World Economy. There are limits to this which we are unable to transcend. The market fluctuations would be an obstacle to a secure foundation of the German position; international commercial agreements do not offer any guarantee for practical execution. It must be considered on principle that since the World War (1914-18) as industrialization has taken place in countries which formerly exported food. We live in a period of economic empires, in which the tendency to colonies again approaches the condition which originally motivated colonisation; in Japan and Italy economic motives are the basis of their will to expand, and economic need will also drive Germany to it.

- 4 -

The upward tendency, which has been caused in world economy, due to armament competition, can never form a permanent basis for an economic settlement, and this latter is also hampered by the economic disruption caused by Bolshevism. There is a pronounced military weakness in those States who base their existence on export. As our exports and imports are carried out over those sea lanes which are dominated by Britain, it is more a question of security of transport rather than one of foreign currency, and this explains the great weakness in our food situation in wartime. The only way-out, and one which may appear imaginary is the securing of greater living space, an endeavor which at all times has been the cause of the formation of states and of movements of nations. It is explicable that this tendency finds no interest in Geneva and in satisfied states. Should the security of our food position be our foremost thought, then the space required for this can only be sought in Europe, but we will not copy liberal capitalist policies which rely on exploiting colonies. It is NOT a case of conquering people, but of conquering agriculturally useful space. It would also be more to the purpose to seek raw material producing territory in Europe directly adjoining the Reich and not overseas, and this solution would have to be brought into effect for one or two generations. What would be required at a later date over and above this must be left to subsequent generations. The development of great world-wide national bodies is naturally a slow process and the German people, with its strong racial root, has for this purpose the most favorable foundations in the heart of the European Continent. The history of all times - Roman Empire British Empire - has proved that every space expansion can only be effected by breaking resistance and taking risks. Even setbacks are unavoidable; neither formerly nor today has space been found without an owner; the attacker always comes up against the proprietor.

The question for Germany is where the greatest possible conquest could be made at lowest cost.

German politics must reckon with its two hateful enemies, England, and France, to whom a strong German colossus in the center of Europe would be intolerable. Both these states would oppose a further reinforcement of Germany, both in Europe and overseas, and in this opposition

- 31 -

- 5 -

they would have the support of all parties. Both countries would view the building of German military strongpoints overseas as a threat to their overseas communications, as a security measure for German commerce, and retrospectively a strengthening of the German position in Europe.

England is not in a position to cede any of her colonial possessions to us owing to the resistance which she experiences in the Dominions. After the loss of prestige which England has suffered owing to the transfer of Abyssinia to Italian ownership, a return of East Africa can no longer be expected. Any resistance on England's part would at best consist in the readiness to satisfy our colonial claims by taking away colonies which at the present moment are not in British hands, e.g. Angola. French favors would probably be of the same nature.

A serious discussion regarding the return of colonies to us could be considered only at a time when England is in a state of emergency and the German Reich is strong and well-armed. The Fuehrer does not share the opinion that the Empire is unshakeable. Resistance against the Empire is to be found less in conquered territories than amongst its competitors. The British Empire and the Roman Empire cannot be compared with one another in regard to durability; after the Punic Wars the latter did not have a serious political enemy. Only the dissolving effects which originated in Christendom, and the signs of age which creep into all states, made it possible for the Ancient Germans to subjugate Ancient Rome.

Alongside the British Empire today a number of States exist which are stronger than it. The British Mother Country is able to defend its colonial possessions only allied with other states and not by its own power. How could England alone, for example, defend Canada against attack by America or its Far Eastern interests against an attack by Japan.

The singling out of the British Crown as the bearer of Empire unity is in itself an admission that the universal empire cannot be maintained permanently by poor politics. The following are significant pointers in this respect:

- 5 -

- a) Ireland's struggle for independence
- b) Constitutional disputes in India where England, by her half-measures left the door open for Indians at a later date to utilize the non-fulfilment of constitutional promises as a weapon against Britain.
- c) The weakening of the British position in the Far East by Japan.
- d) The opposition in the Mediterranean to Italy which - by virtue of its history, driven by necessity and led by a genius - expands its power position and must consequently infringe British interests to an increasing extent. The outcome of the Abyssinian War is a loss of prestige for Britain which Italy is endeavoring to increase by stirring up discontent in the Mohamadan world.

It must be established in conclusion that the Empire cannot be held permanently by power politics by 45 million Britons, in spite of all the solidity of her ideals. The proportion of the populations in the Empire, compared with that of the Motherland is 9:1, and it should act as a warning to us that if we expand in space, we must not allow the level of our population to become too low.

France's position is more favorable than that of England. The French Empire is better placed geographically, the population of its colonial possessions represents a potential military increase. But France is faced with difficulties of internal politics. At the present time only 10 per cent approximately of the nations have parliamentary governments whereas 90 per cent of them have totalitarian governments. Nevertheless we have to take the following into our political consideration as power factors:

Britain, France, Russia and the adjoining smaller States.

The German question can be solved only by way of force, and this is never without risk. The battles of Frederick The Great for Silesia, and Bismarck's wars against Austria and France had been a tremendous risk and the speed of Prussian action in 1870 had prevented Austria from participating in the war. If we place the decision to apply force with risk at the head of the following expositions, then we are left to reply to the questions "when" and "how". In this regard we have to decide upon three different cases.

Case 1. Period 1943-45. After this we can only expect a change for the worse. The re-arming of the Army, the Navy and the Air Force, as well as the formation of the Officers' corps, are practically concluded.

- 7 -

Our material equipment and armaments are modern, with further delay the danger of their becoming out-of-date will increase. In particular the secrecy of "special weapons" cannot always be safeguarded. Enlistment of reserves would be limited to the current recruiting age groups and an addition from older untrained groups would be no longer available.

In comparison with the re-armament, which will have been carried out at that time by the other nations, we shall decrease in relative power. Should we not act until 1943/45, then dependent on the absence of reserves, any year could bring about the food crisis, for the countering of which we do not possess the necessary foreign currency. This must be considered as a "point of weakness in the regime". Over and above that, the world will anticipate our action and increase counter-measures yearly. Whilst other nations isolate themselves we should be forced ^{on} the offensive.

What the actual position would be in the years 1943/45 no one knows today. It is certain, however, that we can wait no longer.

On the one side the large armed forces, with the necessity for securing their upkeep, the ageing of the Nazi movement and of its leaders, and on the other side the prospect of a lowering of the standard of living and a drop in the birth rate, leaves us no other choice but to act. If the Fuehrer is still living then it will be his irrevocable decision to solve the German ~~space~~ problem no later than 1943/45. The necessity for action before 1943/45 will come under consideration in cases 2 and 3.

Case 2 : Should the social tensions in France lead to an internal political crisis of such dimensions that it absorbs the French Army and thus renders it incapable for employment in war against Germany, then the time for action against Czechoslovakia has come.

Case 3: It would be equally possible to act against Czechoslovakia if France should be so tied up by a war against another State, that it cannot "proceed" against Germany.

For the improvement of our military political position it must be our first aim, in every case of entanglement by war, to conquer Czechoslovakia and Austria simultaneously, in order to remove any threat from the flanks in case of a possible advance westwards. In the case of a conflict with France it would hardly be necessary to assume that

- 8 -

Czechoslovakia would declare war on the same day as France. However, Czechoslovakia's desire to participate in the war will increase proportionally to the degree to which we are being weakened. Its actual participation could make itself felt by an attack on Silesia, either towards the North or the West.

Once Czechoslovakia is conquered - and a mutual frontier, Germany-Hungary is obtained - then a neutral attitude by Poland in a German-French conflict could more easily be relied upon. Our agreements with Poland remain valid only as long as Germany's strength remains unshakable; should Germany have any setbacks then an attack by Poland against East Prussia, perhaps also against Pomerania, and Silesia, must be taken into account.

Assuming a development of the situation, which would lead to a planned attack on our part in the years 1943/45, then the behavior of France, England, Poland and Russia would probably have to be judged in the following manner:

The Fuehrer believes personally that in all probability England and perhaps also France have already silently written off Czechoslovakia, and that they have got used to the idea that this question would one day be cleaned up by Germany. The difficulties in the British Empire and the prospect of being entangled in another long-drawn-out European War, were decisive factors in the non-participation of England in a war against Germany. The British attitude would certainly not remain without influence on France's attitude. An attack by France without British support is hardly probable assuming that its offensive would stagnate along our Western fortifications. Without England's support, it would also not be necessary to take into consideration a march by France through Belgium and Holland, and this would also not have to be reckoned with by us in case of a conflict with France, as in every case it would have as consequence the enmity of Great Britain. Naturally, we should in every case have to bar our frontier during the operation of our attacks against Czechoslovakia and Austria. It must be taken into consideration here that Czechoslovakia's defense measures will increase in strength from year to year, and that a consolidation of the inside values of the Austrian army will also be effected in the course of years. Although the population of Czechoslovakia and Austria would nevertheless constitute the conquest of food for

5 - 6 million people, on the basis that a compulsory emigration of 2 million from Czechoslovakia and of 1 million from Austria could be carried out. The annexation of the two States to Germany militarily and politically would constitute a considerable relief, owing to shorter and better frontiers, the freeing of fighting personnel for other purposes and the possibility of re-constituting new armies up to a strength of about 12 Divisions, representing a new division per 1 million population.

No opposition to the removal of Czechoslovakia is expected on the part of Italy; however, it cannot be judged today what would be her attitude in the Austrian question since it would depend largely on whether the Duce were alive at the time or not.

The measure and speed of our action would decide Poland's attitude. Poland will have little inclination to enter the war against a victorious Germany, with Russia in the rear.

Military participation by Russia must be countered by the speed of our operations; it is a question whether this need be taken into consideration at all in view of Japan's attitude.

Should Case 2 occur - paralysation of France by a Civil war - then the situation should be utilized at any time for operations against Czechoslovakia, as Germany's most dangerous enemy would be eliminated.

The Fuehrer sees Case 3 looming nearer; it could develop from the existing tensions in the Mediterranean, and should it occur he has firmly decided to make use of it any time, perhaps even as early as 1938.

Following recent experiences in the course of the events of the war in Spain, the Fuehrer does not see an early end to hostilities there. Taking into consideration the time required for past offensives by France, a further three years duration of war is within the bounds of possibility. On the other hand, from the German point of view a 100 per cent victory by France is not desirable; we are more interested in a continuation of the war and preservation of the tensions in the MEDITERRANEAN. Should Franco be in sole possession of the Spanish Peninsula it would mean the end of Italian intervention and the presence of Italy on the BALEARIC ISLES. As our interests are directed towards continuing the war in Spain it must be the task of our future policy to strengthen Italy in her fight to hold on to the BALEARIC ISLES.

- 10 -

However a solidification of Italian positions on the BALEARIC ISLES can not be tolerated either by France or by England and could lead to a war by France and England against Italy, in which case Spain, if entirely in white (i.e. Franco's) hands, could participate on the side of Italy's enemies. A subjugation of Italy in such a war appears very unlikely. Additional raw materials could be brought to Italy via Germany. The Fuehrer believes that Italy's military strategy would be to remain on the defensive against France on the Western frontier and carry out operations against France from Libya against the North African French colonial possessions.

As a landing of Franco-British troops on the Italian coast can be discounted, and as a French offensive via the Alps to Upper Italy would be extremely difficult and would probably stagnate before the strong Italian fortifications, French lines of communication by the Italian fleet will to a great extent paralyze the transport of fighting personnel from North Africa to France, so that at its frontiers with Italy and Germany, France will have at its disposal solely the metropolitan fighting forces.

If Germany profits from this war by disposing of the Czechoslovakian and the Austrian questions, the probability must be assumed that England - being at war with Italy - would not decide to commence operations against Germany. Without British support a warlike action by France against Germany is not to be anticipated.

The date of our attack on Czechoslovakia and Austria must be made independent on the course of the Italian-French-English war and would not be simultaneous with the commencement of military operations by these three States. The Fuehrer was also not thinking of military agreements with Italy, by incomplete independence and by exploiting this unique favorable opportunity, he wishes to begin to carry out operations against Czechoslovakia. The attack on Czechoslovakia would have to take place with the speed of lightening (blitzartig schnell)".

Fieldmarshal von Blomberg and Generaloberst von Fritsch in giving their estimate on the situation, repeatedly pointed out that England and France must not appear as our enemies, and they stated that the war with Italy would not bind the French army to such an extent that it would not be in a position to Commence

- 11 -

operations on our Western frontier with superior forces. Generaloberst von Fritsch estimated the French forces which would presumably be employed on the Alpine frontier against Italy to be in the region of 20 divisions, so that a strong French superiority would still remain on our Western frontier. The French would, according to German reasoning, attempt to advance into the Rhineland. We should consider the lead which France has got in mobilization, and quite apart from the very small value of our then existing fortifications - which was pointed out particularly by Generalfieldmarshall von Blomberg - the four motorized divisions which had been laid down for the West would be more or less incapable of movement. With regard to our offensive in a South-Easterly direction, Field-marschall von Blomberg drew special attention to the strength of the Czechoslovakia fortifications, the building of which had assumed the character of a Maginot line and which would present extreme difficulties to our attack.

Generaloberst von Fritsch mentioned that it was the purpose of a study which he had laid on for this winter to investigate the possibilities of carrying out operations against Czechoslovakia with special consideration of the conquest of the Czechoslovakian system of fortifications; the Generaloberst also stated that owing to the prevailing conditions he would have to relinquish his leave abroad, which was to begin on the 10 November. This intention was countermanded by the Fuehrer who gave as a reason that the possibility of the conflict was not to be regarded as being so imminent. In reply to statements by Generalfield-marschall von Blomberg and Generaloberst von Fritsch regarding England and France's attitude, the Fuehrer repeated his previous statements and said that he was convinced of Britain's non-participation and that consequently he did not believe in military action by France against Germany. Should the Mediterranean conflict already mentioned lead to a general mobilization in Europe, then we should have to commence operations against Czechoslovakia immediately. If, however, the powers who are not participating in the war should declare their disinterestedness, then Germany would, for the time being, have to side with this attitude.

In view of the information given by the Fuehrer, Generaloberst Goering considered it imperative to think

- 38 -

DOCUMENT BOOK I SCHNITZLER No. 16
EXHIBIT No.

Doc. (IMT) No. 386 PS = US 25

-12 -

of a reduction or abandonment of our military undertaking in Spain. The Fuehrer agreed to this in so far as he believed this decision should be postponed for a suitable date.

The second part of the discussion concerned material armament questions.

(in ink)

Certified:

(Signed): Hossbach

Kirschbach

Oberst d.A. (Col. General Staff)

CERTIFICATE OF TRANSLATION
OF DOCUMENT NO 386 PS

14 November 1945

I, E. GLAZIER, P/O, 37371, hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation of Document No. 386 PS.

E. GLAZIER
P/O, 37371

- 39 -

DOCUMENT BOOK I -SCHNITZLER No.17
EXHIBIT No.

I, Dr. Walter S i e m e n s , Attorney-at-law
in Hamburg, at present defense counsel with
the American Military Tribunal Nuremberg, herewith
certify that the enclosed document:

Report on the discussion of 23 May 1939
between Hitler and the Supreme Commanders

was copied word for word. The document was submit-
ted to the Court by the prosecution in the big
trial before the International Military Tribunal
Nuremberg, as document L 79 and accepted by
the Court as Exhibit US 27.

Nuremberg, 5 March 1948

(Dr.Siemens)

Doc. Book I Schmitzler No.17

Exhibit-No.

Doc.(IMT) No.L-79 = US 27

TOP SECRET

To be transmitted by officer only

Minutes
of a Conference on 23 May 39

Place: The Fuehrer's Study, New Reich Chancellery.

Adjutant on duty: Lt.-Col. (G.S.) SCHMUNDT

Present: The Fuehrer, Field-Marshal Goering, Grand-Admiral Raeder,

Col.-Gen. von Brauchitsch, Col.-Gen. Keitel,
Col.-Gen. Milch, Gen. (of Artillery) Haldor,
Gen. Bodenseitz, Rear-Admiral Schniewindt,
Col. (G.S.) Jeschonnek, Col. (G.S.) Harliment,
Lt.-Col. (G.S.) Schmudt, Capt. Engel (Army),
Lieut.-Comd. Albrecht, Capt. v. Below (Army).

Subject: indoctrination on the political situation and future aims.

-2-

The Fuehrer defined as the purpose of the conference:

- 1.) Analysis of the situation.
- 2.) Definition of the tasks for the Armed Forces arising from that situation.
- 3.) Exposition of the consequences of these tasks.
- 4.) Ensuring the secrecy of all decisions and work resulting from these consequences.

Secrecy is the first essential for success.

The Fuehrer's observations are given in systematised form below:

Our present situation must be considered from two points of view:

- 1.) The actual development of events between 1933 and 1939;
- 2.) The permanent and unchanging situation in which Germany lies.

In the period 1933 - 1939, progress was made in all fields. Our very situation improved enormously.

Our situation with regard to the rest of the world has remained the same.

Germany had dropped from the circle of Great Powers. The balance of power had been effected without the participation of Germany.

This equilibrium is disturbed when Germany's demands for the necessities of life make themselves felt, and Germany re-emerges as a Great Power. All demands are regarded as "Encroachments". The English are more afraid of dangers in the economic sphere than of the simple threat of force.

A mass of 80 million people has solved the ideological problems. So, too, must the economic problems be solved. No German can evade

-3-

the creation of the necessary economic conditions for this. The solution of the problems demands courage. The principle, by which one evades solving the problem by adapting oneself to circumstances is inadmissible. Circumstances must rather be adapted to aims. This is impossible without invasion of foreign states or attacks upon foreign property.

Living space, in proportion to the magnitude of the state, is the basis of all power. One may refuse for a time to face the problem, but finally it is solved one way or the other. The choice is between advancement or decline. In 15 or 20 years' time we shall be compelled to find a solution. No German statesman can evade the question longer than that.

We are at present in a state of patriotic fervour, which is shared by two other nations: Italy and Japan.

The period which lies behind us has indeed been put to good use. All measures have been taken in the correct sequence and in harmony with our aims.

After 6 years, the situation is today as follows:

The national-political unity of the Germans has been achieved, apart from minor exceptions. Further successes cannot be attained without the shedding of blood.

The demarcation of frontiers is of military importance. The

-43-

-4-

Poland is no "supplementary enemy". Poland will always be on the side of our adversaries. In spite of treaties of friendship, Poland has always had the secret intention of exploiting every opportunity to do us harm.

Danzig is not the subject of the dispute at all. It is a question of expanding our living space in the East and of securing our food supplies, of the settlement of the Baltic problem. Food supplies can be expected only from thinly populated areas. Over and above the natural fertility, thoroughgoing German exploitation will enormously increase the surplus.

There is no other possibility for Europe.

Colonies: Beware of gifts of colonial territory. This does not solve the food problem. Remember a blockade.

If fate brings us into conflict with the West, the possession of extensive areas in the East will be advantageous. We shall be able to rely upon record harvests, even less in time of war than in peace.

The population of non-German areas will perform no military service, and will be available as a source of labour.

The Polish problem is inseparable from conflict with the West.

Poland's internal power of resistance to Bolshevism is doubtful. Thus Poland is of doubtful value as a barrier against Russia. It is questionable whether military success in the west can be

-5-

achieved by a quick decision, questionable too is the attitude of Poland.

The Polish government will not resist pressure from Russia. Poland sees danger in a German victory in the West, and will attempt to rob us of the victory.

There is therefore no question of sparing Poland, and we are left with the decision:

To attack Poland at the first suitable opportunity.

We cannot expect a repetition of the Czech affair. There will be war. Our task is to isolate Poland. The success of the isolation will be decisive.

Therefore, the Fuehrer must reserve the right to give the final order to attack. There must be no simultaneous conflict with the Western Powers (France and England).

If it is not certain that a German-Polish conflict will not lead to war in the West, then the fight must be primarily against England and France.

Fundamentally therefore: Conflict with Poland - beginning with an attack on Poland - will only be successful if the Western Powers keep out of it.

If this is impossible, then it will be better to attack in the West and to settle Poland at the same time.

The isolation of Poland is a matter of skillful politics.

Japan is a weighty problem. Even if at first for various reasons her collaboration with us appears to be somewhat cool and

-6-

restricted, it is nevertheless in Japan's own interest to take the initiative in attacking Russia in good time.

Economic relations with Russia are possible only if political relations have improved. A cautious trend is apparent in Press comment. It is not impossible that Russia will show herself to be disinterested in the destruction of Poland. Should Russia take steps to oppose us, our relations with Japan may become closer.

If there were an alliance of France, England and Russia against Germany, Italy and Japan, I would be constrained to attack England and France with a few annihilating blows. The Fuehrer doubts the possibility of a peaceful settlement with England. We must prepare ourselves for the conflict. England sees in our development the foundation of a hegemony which would weaken England. England is therefore our enemy, and the conflict with England will be a life-and-death struggle.

How will this struggle be like?

England cannot deal with Germany and subjugate us with a few powerful blows. It is imperative for England that the war should be brought as near to the Ruhr basin as possible, French blood will not be spared (West Wall). The possession of the Ruhr basin

- 7 -

will determine the duration of our resistance.

The Dutch and Belgian air bases must be occupied by armed force. Declarations of neutrality must be ignored. If England and France intend the war between Germany and Poland to lead to a conflict, they will support Holland and Belgium in their neutrality and make them build fortifications, in order finally to force them into cooperation.

Albeit under protest, Belgium and Holland will yield to pressure.

Therefore, if England intends to intervene in the Polish war, we must occupy Holland with lightning speed. We must aim at securing a new defense line on Dutch soil up to the Zuider Zee. The war with England and France will be a life-and-death struggle.

The idea that we can get off cheaply is dangerous; there is no such possibility. We must burn our boats, and it is no longer a question of justice or injustice, but of life or death for 80 million beings.

Question: Short or long war?

Every country's armed forces or government must aim at a short war. The government, however, must also be prepared for a war of 10-15 years' duration.

History has always shown that the people have believed that wars would be short. In 1914, the opinion still prevailed that

-8-

it was impossible to finance long war, Even today this idea still persists in many minds. But on the contrary, every state will hold out as long as possible, unless it immediately suffers some grave weakening (o.g. Ruhr basin). England has similar weaknesses. England knows that to lose a war will mean the end of her world power.

England is the driving force against Germany. (Literally: England is the motor driving against Germany). Her strength lies in the following:

1. The British themselves are proud, courageous, tenacious, firm in resistance and gifted as organisers. They know how to exploit every new development. They have the love of adventure and bravery of the Nordic race. Quality is lowered by dispersal. The German average is higher.
2. World power in itself. It has been constant for 300 years. Extended by the acquisition of allies. This power is not merely something concrete, but must also be considered as a psychological force embracing the entire world. Add to this immeasurable wealth, with consequential financial credit.
3. Geopolitical safety and protection by strong sea power and a courageous air force.

England's weakness:

If in the World War I we had had two battleships and two cruisers more, and if the battle of Jutland had begun in the

- 9-

morning, the British fleet would have been defeated and England brought to her knees. It would have meant the end of this war. It was formerly not sufficient to defeat the fleet. Handings had to be made in order to defeat England. England could provide her own food supplies. Today that is no longer possible.

At present England's food supply routes are cut, she is forced to capitulation. The import of food and oil depends on the fleet's protection.

If the German Air Force attacks English territory, England will not be forced to capitulate in one day. But if the fleet is destroyed, immediate capitulation will be the result.

There is no doubt that a surprise attack can lead to a quick decision. It would be criminal, however, for the government to rely entirely on the element of surprise.

Experience has shown that surprise may be nullified by: -

1. Disclosure outside the limit of the military circles concerned;
2. Mere chance, which may cause the collapse of the whole enterprise;
3. Human failings;
4. Weather conditions.

The final date for striking must be fixed well in advance. Beyond that time the tension cannot be endured for long.

- 10 -

It must be borne in mind that weather conditions can render any surprise intervention by Navy and Air Force impossible.

This must be regarded as a most unfavourable basis of action.

1. An effort must be made to deal the enemy a significant or the final decisive blow. Considerations of right and wrong, or treaties, do not enter into the matter. This will only be possible if we are not involved in a war with England on account of Poland.
2. In addition to the surprise attack, preparations for a long war must be made, while opportunities on the Continent for England are eliminated.

The army will have to hold positions essential to the Navy and Air Force. If Holland and Belgium are successfully occupied and held, and if France is also defeated, the fundamental conditions for a successful war against England will have been secured.

England can then be blockaded from Western France at close quarters by the Air Force, while the Navy with its submarines can extend the range of the blockade.

Consequences:

England will not be able to fight on the Continent;

Daily attacks by the Air Force and Navy will cut all her lifelines;

Time will not be on England's side;

Germany will not bleed to death on land.

Such strategy has been shown to be necessary by World War I and subsequent military operations. World War I is responsible for the following strategic considerations which are imperative:-

- 1) With a more powerful Navy at the outbreak of the War, or a wheeling movement by the Army towards the Channel ports, the end would have been different.
- 2) A country cannot be brought to defeat by an Air Force. It is impossible to attack all objectives simultaneously and the lapse of a few minutes would evoke defensive counter-measures.
- 3) The unrestricted use of all resources is essential.
- 4) Once the army, in cooperation with the Air Force and Navy, has taken the most important positions, industrial production will cease to flow into the bottomless pit of the Army's battles and can be diverted to benefit the Air Force and Navy.

The Army must therefore be capable of taking these positions. Systematic preparation must be made for the attack.

Study to this end is of the utmost importance.

The aim will always be to force England to her knees.

A weapon will only be of decisive importance in winning battles, so long as the enemy does not possess it.

This applies to gas, submarines and the Air Force. It would be true of the latter for instance, as long as the English Fleet had no available counter-measures; it will no longer be the case in 1940 and 1941. Against Poland, for example, tanks will be effective, as the Polish Army possesses no counter-measures.

Where straight forward pressure is no longer considered to be decisive, its place must be taken by the elements of surprise and by masterly handling.

This is the plan of attack.

The plan demands: -

1. A correct estimate of weapons and their effectiveness:-
o.g. (a) Battleship or aircraft carrier; which is the more effective? Individually or considered as a whole? The aircraft carrier is the better protection for a convoy.
(b) Is air attack more important on a factory than on a battleship? Where are bottle-necks in production located?
2. Immediate preparedness on the part of the Army. The Army must move straight from its peace stations to overrun neighbouring states. (Literally: Neighbouring states must be overrun direct from barracks).
3. A study of the enemy's weak points.

These studies must not be left to the General Staffs. Secrecy would no longer be guaranteed.

The Fuehrer has therefore decided to order the formation of a small planning staff at OKW. It will include representatives of three services, and, as and when necessary will call upon the services of the three Commanders in Chief or Chiefs of Staff.

-13-

This Staff will keep the Fuehrer informed and report to him.

The planning staff is responsible for the planning of operations on the highest level, and of the technical preparations and organizations necessarily required by the decision taken.

The purpose of certain regulations concerns no-one outside the staff.

However great are the increases in the armaments of our adversaries, they must, at some time, come to the end of their resources, and ours will be greater. French recruiting - 120,000 men in each age class.

We shall not be forced into a war, but we shall not be able to avoid one.

Secrecy is the decisive requirement for success. Our object must be kept secret even from Italy or Japan. The break-through through the Maginot line is still a possibility for Italy, and must be studied. The Fuehrer considers that such a break-through is possible.

The close combination of the services, for the study of the problem in its entirety, is important.

The object:

- 1.) Study of the problem in its entirety.
- 2.) Study of the procedure.
- 3.) Study of the necessary requirements.
- 4.) Study of the necessary training.

-53-

-14 -

The staff must include men with great imaginative power and the best technical knowledge, as well as officers of sober and sceptical judgment.

Working principles:

1. No-one must be admitted who is not concerned.
2. No-one may know more than it is necessary for him to know.
3. When must the person concerned know, at latest?

No-one may know of a matter earlier than is necessary for him to know of it.

At the request of Field Marshal Goering, the Fuehrer decrees that:

- a) The various services shall decide what construction is to be undertaken.
- b) There shall be no alterations in the shipbuilding programme.
- c) The armaments programmes are to be postponed to 1943 or 1944.

Certified correct record

(signed:) Schmidt, Lt.Col.

DOCUMENT BOOK I -SCHNITZLER No.18
EXHIBIT No.

I, Dr. Walter S i e m e n s , Attorney-at-law
in Hamburg, at present defense counsel with the
American Military Tribunal Nuremberg, herewith
certify that the enclosed document:

Report on the discussion of 23 May 1939
between Hitler and the Supreme Commanders

was copied word for word. The document was sub-
mitted to the Court by the prosecution in the
big trial before the International Military
Tribunal Nuremberg, as document L 79 and accepted
by the Court as Exhibit US 27.

Nuremberg, 5 March 1948

(Dr. Siemons)

The Fuehrer's speech to the Commanders in Chief
on 22 August 1939.

I have called you together to give you a picture of the political situation, in order that you may have insight into the individual elements on which I have based my decision to act and in order to strengthen your confidence.

After this we will discuss military details.

It was clear to me that a conflict with Poland had to come sooner or later. I had already made this decision in spring, but I thought that I would first turn against the West in a few years, and only afterwards against the East. But the sequence cannot be fixed. One cannot close one's eyes even before a threatening situation. I wanted to establish an acceptable relationship with Poland in order to fight first against the West. But this plan, which was agreeable to me, could not be executed, since essential points have changed. It became clear to me, that Poland would attack us in case of a conflict with the West. Poland wants access to the sea. The further development became obvious after the occupation of the Danzig region, and it became clear to me that under circumstances a conflict with Poland could arise at an inopportune moment. I

-2-

enumerate as reasons for this reflection:

1.) First of all two personal constitutions:

My own personality and that of Mussolini.

Essentially it depends on me, my existence, because of my political activities. Furthermore the fact that probably no one will ever again have the confidence of the whole German people as I do. There will probably never again be a man in the future with more authority than I have. My existence is therefore a factor of great value. But I can be eliminated at any time by a criminal or an idiot.

The second personal factor is the Duce. His existence is also decisive. If something happens to him, Italy's loyalty to the alliance will no longer be certain. The basic attitude of the Italian court is against the Duce. Above all, the court sees in the expansion of the empire a burden. The Duce is the man with the strongest nerves in Italy.

The third factor favorable for us is Franco. We can ask only benevolent neutrality from Spain. But this depends on Franco's personality. He guarantees a certain uniformity and steadiness of the present system in Spain. We must take into account the fact that Spain does not as yet have a Fascist party of our internal unity.

-57-

-3-

On the other side a negative picture as far as decisive personalities are concerned. There is no outstanding personality in England or France.

For us it is easy to make decision. We have nothing to lose; we can only gain. Our economic situation is such, because of our restrictions, that we cannot hold out more than a few years. Goering can confirm this. We have no other choice, we must act. Our opponents risk much and can gain only a little. England's stake in a war is unimaginably great. Our enemies have men who are below average. No personalities. No masters, no men of action.

Besides the personal factor, the political situation is favorable for us; in the Mediterranean rivalry among Italy, France, and England, in the Orientism, which leads to the alarming of the Mohammedan world.

The English empire did not emerge from the last war strengthened. From a maritime point of view, nothing was achieved. Conflict between England and Ireland. The South African Union became more independent. Concessions had to be made to India. England is in great danger. Unhealthy industries. A British statesman can look into the future only with concern.

-58-

Franco's position has also deteriorated particularly in the Mediterranean.

Further favorable factors for us are these:

Since Albania there is an equilibrium of power in the Balkans. Yugoslavia carries the germ of collapse because of her internal situation.

Rumania did not grow stronger. She is liable to attack and vulnerable. She is threatened by Hungary and Bulgaria. Since Kemal's death, Turkey has been ruled by small minds, unsteady, weak men.

All these fortunate circumstances will no longer prevail in 2 to 3 years. No one knows how long I shall live. Therefore conflict better now.

The creation of Greater Germany was a great achievement politically, but militarily it was questionable, since it was achieved through a bluff of the political leaders. It is necessary to test the military. If at all possible, not by general settlement, but by solving individual tasks.

The relation to Poland has become unbearable. My Polish policy hitherto was in contrast to the ideas of the people. My propositions to Poland (Danzig corridor) were disturbed by England's intervention. Poland changed her tone toward us. The

-5-

initiative cannot be allowed to pass to the others. This moment is more favorable than in 2 to 3 years. An attempt on my life or Mussolini's could change the situation to our disadvantage. One cannot eternally stand opposite one another with cocked rifle. A suggested compromise would have demanded that we change our convictions and make agreeable gestures. They talked to us again in the language of Versailles. There was danger of losing prestige. Now the probability is still great that the West will not interfere. We must accept the risk with reckless resolution. A politician must accept a risk as much as a military leader. We are facing the alternative to strike or to be destroyed with certainty sooner or later.

Reference to previous risks.

I would have been stoned if I had not carried my point. The most dangerous step was the invasion of the neutral zone. Only a week before, I got a warning through Franco. I have always accepted a great risk in the conviction that it may succeed.

Now it is also a great risk. Iron nerves, iron resolution.

The following special reasons strengthen my idea. England and France are obligated, neither is in a position for it. There is no actual rearmament in England,

-60-

-6-

just propaganda. It has done much damage that many reluctant Germans said and wrote to Englishmen after the solution of the Czech question; The Fuehrer carried his point because you lost your nerve, because you capitulated too soon. This explains the present propaganda war. The English speak of a war of nerves. It is ~~one~~ element of this war of nerves to present the increase of armament. But how is British rearmament in actual fact. The construction program of the Navy for 1938 has not yet been filled. Only mobilization of the reserve fleet. Purchase of fishing steamers. Considerable strengthening of the Navy, not before 1941 or 1942.

Little has been done on land. England will be able to send a maximum of 3 divisions to the continent. A little has been done for the air force, but it is only a beginning. A defense is in its beginning stages. At the moment England has only 150 AA guns. The new ⁴ gun has been ordered. It will take a long time until enough have been produced. Fire directors are lacking. England is still vulnerable from the air. This can change in 2 to 3 years. At the moment the English air force has only 130,000 men, France 72,000 men, Poland 15,000 men. England does not want the conflict to break out for two or three years.

-61-

The following is characteristic for England. Poland wanted a loan from England for rearmament. England, however, only gave credit in order to make sure that Poland buys in England, although England cannot deliver. This means that England does not really want to support Poland. She does not risk 8 billion pounds in Poland, although she put half a billion into China. England's position in the world is very precarious. She will not accept any risks.

France lacks men (decline of the birth rate). Little has been done for rearmament. The artillery is antiquated. France did not want to enter on this adventure. The West has only two possibilities to fight against us:

1.) Blockade: It will not be effective because of our anarchy and because we have sources of aid in the east.

2.) Attack from the west from the Maginot line: I consider this impossible.

Another possibility is the violation of Dutch, Belgium, and Swiss neutrality. I have no doubts that all these states as well as Scandinavia will defend their neutrality by all available means. England and France will not violate the neutrality of these countries. Actually England cannot help Poland. There remains an attack on Italy. A military attack is out of

-8-

the question. No one is counting on a long war. If Mr. von Brauchitsch had told me that I would need 4 years to conquer Poland I would have replied; then it cannot be done. It is nonsense to say that England wants to wage a long war.

We will hold our position in the West until we have conquered Poland. We must be conscious of our great production. It is much bigger than in 1914-1918.

(The enemy had another hope, that Russia would become our enemy after the conquest of Poland. The enemy did not count on my great power of resolution. Our enemies are little worms. I saw them in Lamsieh.)

I was convinced that Stalin would never accept the England offer. Russia has no interest in maintaining Poland and Stalin knows that it is the end of his regime no matter whether his soldiers come out of a war victorious or beaten. Litvinov's replacement was decisive. I brought about the change toward Russia gradually. In connection with the commercial treaty we got into political conversation. Proposal of a non-aggression pact. Then came a general proposal from Russia. Four days ago I took a special step, which brought it about that Russia answered yesterday that she is ready to sign. The personal contract

-63-

-9-

with Stalin is established. The day after tomorrow von Ribbentrop will conclude the treaty. Now Poland is in the position in which I wanted her.

We need not be afraid of a blockade. The East will supply us with grain, cattle, coal, lead and zinc. It is a big arm, which demands great efforts. I am only afraid that at the last minute some Schweinhund will make a proposal for mediation.

The political arm is set farther. A beginning has been made for the destruction of England's hegemony. The way is open for the soldier, after I have made the political preparations.

Today's publication of the non-aggression pact with Russia is like a shell. The consequences cannot be overlooked. Stalin also said that this course will be of benefit to both countries. The effect on Poland will be tremendous.

Goering answers with thanks to the Fuehrer and the assurance that the armed forces will do their duty.

* * * *

DOCUMENT BOOK I SCHNITZLER No.18

Exhibit No.

Doc. (HIT) No. PS-798 = US 29

CERTIFICATE OF TRANSLATION

I, Virginia von Schen, hereby certify that I am thoroughly conversant with the English and German languages, and that the above is a correct and true translation of document No. 798-PS.

Virginia von Schen
No. 046318

Statement by the Lawyer Dr.Siemons

I hereby certify that the present document :

Speech of the Fuehrer on Obersalzberg of 22 August
1939

has been correctly copied from the manuscript
of Generaladmiral Hermann Boehm, Maruten-
dorf near Kiel.

Generaladmiral Boehm was present when Hitler
delivered his speech on Obersalzberg on 22 August
1939 and wrote it down in the evening of the
same day in the Hotel "Vier Jahreszeiten" in
Munich from the notes which he took during
the speech.

This document has been accepted at the
International Military Tribunal as Raeder Exhibit
No.27.

Nuremberg, 19 March 1948

(Dr.Siemons)

Reader No. 27

Speech by the Fuehrer on the Obersalzberg
on 22nd August 1939.

Purpose of speech to give the Fuehrer's opinion on the political situation, to present his ideas so as to strengthen confidence in his decision. Because his decision to act was irrevocable. As late as last spring his intention still was to postpone the solution of the Polish question, to put it on ice, so to speak, in order to settle first the conflict in the West, unavoidable in his opinion. However, a politician cannot commit himself as to the sequence of events, one must be elastic. The basis for his original intention had changed, for that matter he had never believed that the Poles would have observed the non-aggression pact when Germany would have been tied down somewhere else. This is shown by the man, but especially by the newspapers of recent dates which disclose the innermost thoughts of the Poles.

Although this conflict with Poland was unwelcome, it was necessary and the political situation was at present more favorable than perhaps in a few years time, for the following reasons:

1.) Personal reasons on our side:

a) His own person as asset in the life of the German people .

He had unified the German people, ...

Kaeder No. 27

- 2 -

has the confidence of and authority over the German people, such as no successor could enjoy it any greater. Any day he could be the victim of an enemy or an insane or could die a natural death. His existence therefore was of great importance for the carrying out of the tasks.

- b) A similar case can be made for Mussolini. Not the pact with Italy are decisive, but personalities. Mussolini is decisive for adherence to the pact. The court was against everything it considered adventurous, would like it best to be satisfied with what they got. Mussolini was a man "without nerves", proof was the Abyssinian conflict.
- c) The personality of Franco was also of consequence. The Fuehrer never expected more than friendly neutrality from Spain. She continued to be under the political influence of several parties. Only Franco was the guarant of uniformity and a certain continuity in politics.

2.) On the other side, the opponents' picture was negativ, luckily for us there are no personalities.

It is hard to make a decision which must lead to blood shed it is difficult, but comparatively easy for us because we have

- 3 -

only one choice: get it over with or loose out. We might be able to stand the present condition economically and by exerting all our strength for about 10 to 15 years, not longer. Therefore we are forced to come to a decision. Such decisions are much more difficult for our adversary, his would gain nothing, stake is much greater, enormously great.

The personalities on the opponent's side are, however, without exception below the average of what is expected from a statesman, they are no men of action.

There are a number of tension spheres for England: In the Mediterranean the strained relation with Italy, in Asia with Japan, in the Near East has alarmed the Mohammedans.

When the expression "Pyrrhic victory" ever applied to a nation, it was the victory of 1918 to England. On the seven seas she lost her predominance and shares it with America- her empire was shaken, Ireland became independent, the Union of South Africa aspires to the same, the appetite for it is growing in India.

Two friends of the world war 1914/1918 are gone, Russia and Italy.

With regard to commerce, England which believed to become so much richer through a war, has been disappointed. Because of the armament all countries have created their own industries, it has become difficult for England to find markets, the old order is disturbed.

- 4 -

France too is in a bad state, above all because of the decrease of her conscription classes.

Facts for us are furthermore the occupation of Albania, which, in the hands of Italy, neutralize Jugoslavia. But this too is weaker than the Serbia of 1914, as the Croates are causing a splitting of the country, Rumania is weaker than before, and Hungary and Bulgaria are arming and marching at her border.

Turkey has lost her only great man Attaturk, the men now in power are little minds or are under the influence of the sterling.

Taking everything in consideration, there are a number of favorable circumstances which might not exist any more in three years from now.

The psychological side has also to be considered. The last three great events regarding the "Ostmark" (Austria) Sudeten Land and Czechoslovakia are doubtless an excellent political accomplishment. It would, however, been extremely dangerous for a nation and especially for her armed forces to regard the latter solely as an instrument of bluffing for political purposes without the intention of using them in earnest. From the view point of a later, large and final settlement in the West which he believed unavoidable, it appears advisable from a military point of view to test the armed forces in a single task.

The question arises now: Is there any likelihood that

- 3 -

this task can be carried out isolated and without bringing about
other catastrophes?

It is obvious that a political situation with Poland such as it exists today is unbearable in the long run. Therefore the proposal of the Fuehrer about the cession of Danzig and the creation of a connecting line through the corridor. This attempt for a settlement was disturbed by England, which worked herself in a frenzy and incited Poland to impertinent notes and military measures. The relation between Germany and Poland must be tolerable or an unbearable tension will be created. But England desired and still desires exactly a permanent unstable condition in order to let Poland loose on the other side any time she wants to attack herself. In that way, however, the initiative is no longer in our hands. From this point of view also, it would be better to act now rather than later.

Bad compromises must be refused, the demand for "nice gestures", that languages of Versailles, which already can be heard again. We, in particular, must watch our prestige, as it is very important for us.

The likelihood of an intervention of the western powers in
a conflict is, in the opinion of the Fuehrer, ^{not} great.

- 6 -

The carrying out of his plans would certainly be a daring enterprise. It would be a grave mistake to assume that politicians, received any directives from God. Nobody expects this from a general, but one hopes for it for a politician. This, however, does just as little apply to a politician as to a general, both have to find their decisions in their own heart. The alternative for us is to act or to be destroyed in the long run.

He, the Fuehrer, could say that he had, up to now, been right in his judgment of the situation in crises. He remind^{ed} of the withdrawal from the League of Nations and the introduction of conscription. His advisers had warned him, fearing war, and in the latter case they had suggested only a limited number of divisions. He himself had stubbornly stuck to 36 divisions. He reminded of the occupation of the Rhineland.

His advisers had suggested to withdraw again a few garrisons as a "gesture". Mr. Poncet had seen him eight days before the re-occupation and had informed him that a march into the Rhineland would mean war to France. He had stubbornly upheld his opinion against everybody and he had proved to be right. There was also a great risk involved in the case of the Eastmark (Austria), Sudetenland and Czecho Slovakia and he had come through the crisis.

- 71 -

• 7 •

There are always situations which required great daring, such as before the battle of Cannae for Hannibal, before Leuthen for Frederick the Great and before Tannenberg for Hindenburg-Ludendorf. There was also a great risk involved in the present situation which could be mastered only through iron determination.

The Fuehrer does not believe in an intervention of the western powers for the following reasons:

The two countries England and France, had, it is true, given a guarantee to Poland, whereby France had been only dragged along by England. In judging the situation in the two countries it must be said that England had an excellent propaganda. The attitude of many Germans had given considerable support to this English propaganda in the fall of 1938. They had said before and during the crisis: "England will intercede in favor of Czecho Slovakia, even with her armed forces." - When this did not come off, they said: "We admit we were wrong the Fuehrer was right. He won because he had the better nerves and stuck it out". This was immediately taken up in England and the government was strongly reproached for having lost their nerves. If it would not have done this but instead had taken the risk of war, the German chancellor would have given in.

- 8 -

This opinion that he, the Fuehrer would only bluff but really never risk anything had rendered the present situation more difficult for him.

How is now the present military situation in England? The naval ship building program has only partly been carried out, its effect is not to be expected before 1941/42. The land troops had not been noticeably increased. The possible strength on land has been estimated at 3 divisions, he might even go as far as 5 to 6 but not more. In the air a certain success can be noted which, however, is still in its beginning. The modern anti aircraft gun had been introduced last year, there are 150 to 200 guns available in the country, the monthly deliveries amount to 15-20. Even with us and our better industry an increase of this production would require 9-12 months, for instance to increase the production from 70 to 90, how much more so in England. She was also vulnerable from the air. The airforce itself had in England about 130 000 men, while ours had 390 000 men.

Political and military complications in the world are therefore not welcome for England as she has to defend many positions. What England thinks of Poland is shown by the negotiations for a loan.

- 73 -

Rueder No. 27

- 9 -

England had declined Poland's request for 8 million pounds gold sterling, although she had recently invested half a billion in China. When Poland then requested arms they have mentioned ridiculous figures of obsolete material, in other words declined any serious assistance with the reason that they need their gold and arms themselves. Only such credit for goods had been granted which do not mean any serious help. The situation of England was certainly precarious.

"It therefore seems impossible to me that any responsible British statesman, would take the risk of a war for England in this situation."

France cannot afford a long bloody war, her conscription classes are too small, her material not sufficient, France was forced into this situation against her will, the word "war of nerves" applied to France.

Which are now the possibilities for an intervention of the Western powers?

1.) The blockade, which however has not the significance any more as before.

2.) The attack on land. Here one had to consider what it would mean for the French soldier who had been brought up with the idea to defend the Maginot Line,

Header No. 27

= 10 -

to come out of this defense line and attack the German Westwall, to loose perhaps a Quarter of a million men without any definite guarantee of success. Because the German nation who had heroically defended shellholes before, would certainly hold the present Westwall.

The western powers might perhaps try to advance against Germany through neutral territory, and here the Fuehrer began to review the neutrals.

All of them had the honest desire to remain neutral: The Nordic states unconditionally. Switzerland would shoot at everybody who violate her neutrality. The Netherlands were neutral by principle for fear for her east asiatic colonies which otherwise would be immediately menaced by Japan. Belgium was sincerely neutral, less for normal reasons than because of her bad experience of the world war where she became the battle field and did not get anything out of the war. It would, however, be impossible for England and France to violate the neutrality of this country against her will.

Perhaps the declarations of neutrality by these countries were given at the instigation of England in order to give England a reason for her drawing back at the outbreak of a conflict between Germany and Poland.

She could then say: "We cannot break through the westwall. A demarche with Holland and Belgium for permission to march through was declined. We cannot violate their neutrality by force, - therefore we regret that we are unable to help."

Now many say: "England is prepared for a long war, expects it or even desires it, to force Germany to her knees, just as after 1914."

The Fuehrer believes this opinion to be wrong. In 1914 nobody expected a long war or even desired it. It was only after the big battles of Tannenberg and the Marne that everybody saw with alarm that now there would be no quick decision but a long war. Now England too did not want a long war because she could not know a month in advance what unexpected things she would encounter in the world. But the whole world was aware of our strength in the long run. We entered the world war very badly prepared in materials and with only enough munitions for a few months and still, at the end we had an enormous material improvement. The present situation was, however, entirely different, we are economically prepared for the mobilization of the entire German nation. Among the Western powers there was hope for the cooperation of Russia which aside from the material

- 12 -

support was also of psychological significance. The decision to shed blood is difficult. One is apt to ask: why just it? So the hope of England was directed towards Russia. But only a blind optimist could believe that Stalin would be so crazy as not to see through England's intentions namely to wage only a kind of stationary war in the East and to let Russia carry the bloody burden of the war in the West. For these reasons the Western powers did not wish to enter into any definite commitments and every time when the concrete question about it came up, the negotiations came to a deadlock, as no positive answer was given.

Stalin furthermore has to be afraid just as much of a victorious army as of a beaten one. The dismissal of Litwinow as Foreign Minister affected the Fuehrer like a gun shot as a sign of a re-orientation with regard to the Western powers. A careful change in the political attitude took place, beginning with the fact that the Fuehrer treated the Russian ambassador at a reception just as politely as the other diplomats. The Ambassador expressed his thanks to some evening for not having been treated in a second class manner at the reception. Further discussion in the economical sphere resulted which led to a commercial agreement.

- 77 -

Finally, a proposition came from the Russians:

- 1.) For a non aggression pact
- 2.) For an intervention between Russia and Japan
- 3.) For a solution of the questions of the Baltic provinces.

The non aggression pact was to be signed on 23 August.

"I have struck this instrument - the assistance of Russia - from the hands of the western powers. Now we have the possibility to strike at the heart of Poland, the military road, to the best of our knowledge, is free."

Abroad the news of the pact had struck like a bombshell and was the greatest ^{event} political/in recent times.

The situation was best characterized by a statement of Lloyd George who in Parliament asked the Government if they had assured themselves of the help of Russia before their guarantee to Poland.

"If this is not the case, then the policy of the government is the most stupid and most criminal one imaginable."

Naturally this new course necessitated a change of his, the Fuehrer's attitude, a certain conversion, and also demands sacrifices. But he believes that the German people would understand him 100% and that he had their consent. On the other hand the effect on the western powers would be staggering.

Header No. 27

- 14 -

Naturally the Western powers would try to save face in a conflict between Germany and Poland. They would perhaps recall their ambassadors, perhaps establish a trade blockade.

This can be met only by iron determination: we have to show that we had always reckoned with England - France and that even then Germany could win if she is only united. The attitude of every superior officer is important, the attitude of the armed forces depends on it, the attitude of the armed forces influences the attitude of the whole nation. But a nation is not being educated for efficiency by a long peace, but by getting accustomed to toughness and trouble. For that matter one should realize:

On the other side also there are human beings with all their worries and troubles, in the end it is not machines which are fighting the battles, but men. And we have the best men.

It is not true that in 1918 we collapsed because of lack of material, because materially we were in a much better condition than in 1915 and 16. But the spiritual prerequisites for carrying on to the end which constitute the substance were lacking.

- 79 -

Roeder No. 27

- 15 -

Frederick the Great has for years withstood solely through the strength of his heart until lady luck smiled again for him. Determination and composure spell success. Anyone who has chosen a hard decision will also find this strong composure.

The goal is the elimination and crushing of the military power of Poland even though war in the West may result. Greatest speed at the success in the East offers the best prospects for a localisation of the conflict.

The conflict will be set in motion by an appropriate propaganda. The credibility is unimportant hereby, the right lies in the victory. We have to steel our heart and make it hard. Whoever has pondered over his world order knows that its meaning lies in the success of the best ^{by} means of force. And the German people belong to the best races of the earth. Providence has made the leaders of this people and given hereby us the task to secure the necessary living space for the German people who are compressed, 140 persons into a square kilometre. Greatest harshness can mean greatest mildness during the accomplishment of such a task.

- 80 -

Rador No. 27

- 16 -

We can and must believe in the worth of the German soldiers.
He mostly kept his nerves in crises while the leadership had
lost them. Example, the battle of the Marne. The leaders therefore
must be iron hard.

To sum it up: Necessary is speed of the operations,
adaptation to every new situation, crushing of the enemy's strength
wherever it shows itself, to the end. This is the military goal
as a prerequisite of the narrower political goal of a subsequent
drawing of the boundary lines.

signed: Boehm

- 81 -

DOCUMENT BOOK I - SCHNITZLER No.20
EXHIBIT No. ...

I, Dr. Walter S i e m e n s , lawyer in
Hamburg, at present defense counsel at the
American Military Tribunal in Nuernberg, hereby
declare that the present document:

"23 November (1939), 1200 hours: Meeting with the
Fuehrer which all supreme commanders have been
ordered to attend"

has been copied literally. The document was
presented to the International Military Tribunal
in Nuernberg during the main proceeding as document
PS 789 and accepted by the Tribunal as Exhibit
US 23.

Nuernberg, 5 March 1948

(Dr. Siemens)

Doc. (IMT) PS 789-US 23

Pencilled notes; Duplicate.

Nov. 23, 1939, 1200 hours. Conference with the Fuehrer, to which all Supreme Commanders are ordered. The Fuehrer gives the following speech:

The purpose of this conference is to give you an idea of the world of my thoughts, which takes charge of me, in the face of the future events, and to tell you my decisions. The building up of our armed forces was only possible in connection with the ideological (weltanschaulich) education of the German people by the Party. When I started my political task in 1919, my strong belief in final success was based on a thorough observation of the events of the day and the study of the reasons of their occurrence. Therefore, I never lost my belief in the midst of set-backs which were not spared me during my period of struggle. Providence has had the last word and brought me success. On top of that, I had a clear recognition of the probable course of historical events and the firm will to make brutal decisions. The first decision was in 1919 when I after long internal conflict became a politician and took up the struggle against my enemies. That was the hardest of all decisions. I had, however, to firm belief that I would arrive at my goal. First of all, I desired a new system of selection. I wanted to educate a minority which would take over the leadership. After 15 years, I arrived at my goal, after strenuous struggles and many set-backs. When I came to power in 1933, a period of the most difficult struggle lay behind me. Everything existing before that had collapsed. I had

Doc.(INT) FS 789-US 23

- 2 -

to reorganize everything beginning with the mass of the people and extending it to the armed forces, first reorganization of the interior, abolishment of appearances of decay and defeatist ideas, education to heroism. While reorganizing the interior, I undertook the second task; to release Germany from its international ties. Two particular characteristics are to be pointed out; secession from the League of Nations and denunciation of the disarmament conference. It was a hard decision. The number of prophets who predicted that it would lead to the occupation of the Rhineland was large, the number of believers was very small. I was supported by the nation, which stood firmly behind me, when I carried out my intentions. After that the order for rearmament. Here again there were numerous prophets who predicted misfortunes, and only a few believers. In 1935 the introduction of compulsory armed service. After that militarization of the Rhineland, again a process believed to be impossible at that time. The number of people who put trust in me, was very small. Then the beginning of the fortification of the whole country especially in the west.

One year later, Austria came, this step was also considered doubtful. It brought about a considerable reinforcement of the Reich. The next step was Bohemia, Moravia and Poland. This step also was not possible to accomplish in one campaign. First of all, the western fortification had to be finished. It was not possible to reach the goal in one effort. It was clear to me from the first moment that I could not be satisfied with the Sudeten-German territory. It was only a partial solution. The decision to march into Bohemia was made.

- 84 -

Loc. (HIT) PS 789-US 23

- 3 -

They followed the erection of the Protectorate and with that the basis for the action against Poland was laid, but I wasn't quite clear at that time whether I should start first against the east and then in the west or vice-versa. Moltke often made the same calculation in his time. Under pressure the decision came to fight with Poland first. One might accuse me of wanting to fight and fight again. In struggle I see the fate of all beings. Nobody can avoid a struggle if he does not want to lose out. The increasing number of people requires a larger living space (Lebensraum). My goal was to create a logical relation between the number of people and the space for them to live in. The struggle must start here. No people can get away from the solution of this task or else it must yield and gradually die out. That is taught by history. First emigration of people to the southwest, then adaption of the number of people to the small space by emigration. In the last years, adaption of the people ^{to} insufficient space, by reducing number of births. This would lead to the death and weakening of the blood of the people. If a people chooses that course all their weaknesses are mobilized. One yields to the force of the outside and uses this force against one's self by killing of the child. This means the greatest cowardice, decision of the number, and loss of value. I decided a different way: adaption ^{of} the living space to the number of people. One acknowledgment is important. The state has a meaning only if it supports the maintenance of its population potential. In our case 82 millions of people were concerned. That means the greatest responsibility. He who does not want to assume this responsibility is not worthy of belonging to the mass of people.

- 85 -

Doc. (IMT) PS 789-US 23

• 4 •

That gave me the strength/^{line missing}relationship to the available space.
Security of the needed space. No calculated cleverness is of any
help, solution only with the sword. A people unable to produce
the strength for fight, must withdraw. Struggles are different
than those of 100 years ago. Today we can speak of a racial fight.
Today we fight for oilfields, rubber, treasures of the earth,
etc. after the peace of Westphalia Germany disintegrated. Dis-
integration, impotence of the German Reich was determined by
decree. This German impotence was removed by the creation of
the Reich when Russia realized her task. Then the opposition
between France and England began. Since 1870 England has been
against us. Bismarck and Moltke were certain that there would
have to be one more action. The danger at that time was of a
two-front war. Moltke was at times in favor of a preventive war.
To take advantage of the slow progress of the Russian mobilization,
Germany armed might was not fully employed. Insufficient sternness
of the leading personalities. The basic thought of Moltke was the
offensive. He never thought of the defense. Many opportunities were
missed after Moltke's death. The solution was only possible by
attacking a country at a favorable moment. Political and military
leadership always declared that it was not yet ready. In 1914 there
came the war on several fronts. It did not bring the solution
of these problems. Today the second act of this drama is being
written. For the first time in 67 years

Doc. (INT) FS 789-US 23

= 5 =

it must be made clear that we do not have a two-front war to wage. That which has been desired since 1870 and considered as impossible of achievement has come to pass. For the first time in History we have to fight on only one front, the other front is at present free. But no one can know how long that will remain so. I have doubted for a long time whether I should strike in the east and then in the west, basically I did not organize the armed forces in order to strike. The decision to strike was always in me. Earlier or later I wanted to solve the problem. Under pressure it was decided that the east was to be attack^{ed} first. If the Polish war was won so quickly, it was due to the superiority of our armed forces. The most glorious appearance in history. Unexpectedly small expenditures of men and material. Now the eastern front is held by only a few divisions. It is a situation which we viewed previously as unachievable. Now the situation is as follows: The opponent in the west lies behind his fortifications. There is no possibility of coming to grips with him. The decisive question is: how long can we endure this situation? Russia is at present not dangerous. It is weakened by many incidents today. Moreover, we have a pact with Russia. Pacts, however, are only held as long as they serve the purpose. Russia will hold herself to it only so long as Russia considers it to be to her benefit. Even Bismarck thought so. Let one think of the pact to assure our back. Now Russia has for reaching goals, above all the strengthening of her position in the Baltic.

Doc. (INT) 789-US 23

- 6 -

We can oppose Russia only when we are free in the West. Further Russia is striving to increase her influence on the Balkans and is striving toward the Persian Gulf. That is also the goal of our foreign policy. Russia will do that which she considers to benefit her. At the present moment it has retired from internationalism. In case she renounces this, she will proceed to Pan-Slavism. It is difficult to see into the future. It is a fact that ^{at} the present time the Russian army is of little worth. For the next one or two years the present situation will remain.

much depends on Italy, above all on Mussolini, whose death could alter everything. Italy has a great goal for the consolidation of her empire. Those who carry this idea are fascism and the Duce, personally. The court is opposed to that. As long as the Duce lives, then it can be calculated that Italy will seize every opportunity to reach her imperialistic goal. However, it is too much to ask of Italy, that it should join in the battle before Germany has seized the offensive in the west: Just so Russia did not attack until we had marched into Poland. Otherwise Italy will think that France has only to deal with Italy, since Germany is sitting behind its West wall. Italy will not attack until Germany has taken the offensive against France. Just as the death of Stalin, so the death of the Duce can bring danger to us. Just how easily the death of a statesman can come I myself have experienced recently.

Doc. (IMT) P3 789-US 23

= 7 =

The time must be used to the full, otherwise one will suddenly find himself faced with a new situation. As long as Italy maintains this position then no danger from Yugoslavia is to be feared. Just so is the neutrality of Rumania achieved by the position of Russia. Scandinavia is hostile to us because of Marxistic influence but is neutral. America is still not dangerous to us because of its neutrality laws. The strengthening of our opponents by America is still not important. The position of Japan is still uncertain, it is not yet certain whether she will join against England.

Everything is determined by the fact that the moment is favorable now, in 6 months it might not be so anymore.

As the last factor I must name my own person in all modesty: irreplaceable. Neither a military nor a civil person could replace me. Assassination attempts may be repeated. I am convinced of the powers of my intellect and of decision. Wars are always ended only by the destruction of the opponent. Everyone who believes differently is irresponsible. Time is working for our adversary. Now there is a relationship of forces which can never be more propitious, but can only deteriorate for us. The enemy will not make peace when the relationship of forces is unfavorable for us. No compromise. Sternness against ourselves. I shall strike and not capitulate. The fate of the Reich depends only on me. I shall deal accordingly.

Doc. (IMT) PS 789-US 23

- 8 -

Today we have a superiority such as we have never had before. After 1914 our opponents disarmed themselves of their own accord. England disregarded the construction of her fleet. The fleet is no longer sufficiently large to safeguard the shipping lanes. Only two modern new constructions: Rodney and Nelson. New construction activity only in the cruisers of the Washington class which were, however, an unsatisfactory type. The new measures can become effective only in 1941. In the Abyssinian war England did not have enough strength to occupy the Tana-Sea. At Malta, Gibraltar and London little anti-aircraft protection. Since 1937 a renewal of rearmament. At present however only a small number of divisions, which must form the nucleus of new divisions. Material for the army being gathered together from all over the world. Not before next summer is a positive action to be expected. The British army has only a symbolic meaning. Rearmament in the air is proceeding. The first phase will end in the spring of 1940. anti-aircraft has only guns from the last war. A German flyer is safe from English anti-aircraft fire at 6 000 meters altitude. The navy will not be fully rearmed before one to two years (1-2 Jahren). I have the greatest experience in rearmament and I know the difficulties which must be overcome therein.

After 1914 France reduced the length of service. After 1914 decrease of military might. Only in some special branches are we inferior. Only the French Navy was modernized. In the time after the war the French army deteriorated. There were no changes until Germany rearmed and announced her demands.

- 9 -

In summary:

- 1) The number of active organization in Germany is greatest.
- 2) Superiority of the Luftwaffe.
- 3) Anti-aircraft beyond all competition.
- 4) Tank corps
- 5) Large number of anti-tank guns, five times as many as 1914 machine guns.
- 6) German artillery has great superiority because of the 10.5 gun.
- 7) French superiority in howitzers and mortars does not exist.

Numerical superiority, but also the value of the individual soldier is greater than for the others. I am almost deeply pained when I hear the opinion that the German Armies not individually as valuable as it should be. The infantry in Poland did not accomplish what one should have expected from it. Lax discipline. I believe that the soldiers must be judged in their relative value in comparison with the opponent. There is no doubt that our armed forces are the best. Every German infantryman is better than the French. Not the exhalation of patriotism but tough determination. I am told that the troops will only advance if the officers lead the way. In 1914 that was also the case. I am told that we were better trained then. In reality we were only better trained on the drill field, but not for the war. I must pay the present leadership the compliment that it is better than it was in 1914. Mention of the collapse while storming Liege. There was nothing like this in the campaign in Poland.

Five million Germans have been called to the colors. Of what importance if a few of them fail.

Doc. (IMT) PS 789-US 23

- 10 -

During with Army, navy and airforce, I cannot bear it if it is said that the army is not well regulated. All is in the hands of the military leader. I can do anything with the German soldier if he is well led. We have succeeded with our small navy in clearing the North Sea of the British. Recognition of the small navy, especially the High Command of the Navy.

We have a Luftwaffe which has succeeded in safeguarding the entire living space of the Germans.

The land army achieved outstanding things in Poland. Even in the West it was not shown that the German soldier is inferior to the French.

Revolution from within is impossible. We are superior to the enemy numerically in the West. Behind the Army stands the strongest armaments industry of the world.

I am disturbed by the stronger and stronger appearance of the English. The English are a tough enemy. Above all on defense. There is no doubt that England will be very much represented in France at the latest in six to eight months.

We have an achilles heel: The Ruhr. The progress of the war depends on the possession of the Ruhr. If England and France push through Belgium and Holland into the Ruhr, we shall be in the greatest danger. That could lead to

- 92 -

the paralyzing of the German power of resistance. Every hope of compromise is childish; Victory or defeat! The question is not the fate of a national-socialistic Germany, but who is to dominate Europe in the future. The question is worthy of the greatest efforts. Certainly England and France will assume the offensive against Germany when they are armed. England and France have means of pressure to bring Belgium and Holland to request English and French help. In Belgium and Holland the sympathies are all for France and England. Mention of the incident at Venlo: The man who was shot was not an Englishman, but a Dutch General Staff officer. This was kept silent in the press. The Dutch government asked that the body of the Dutch officer be given up. This is one of their greatest stupidities. The Dutch press does not even mention the incident anymore. At a given time I shall use that to motivate my action. If the French army marches into Belgium in order to attack us, it will be too late for us. We must anticipate them. One more thing. U-boat, Mines, and Luftwaffe (also for Mines) can strike England effectively, if we have a better starting point. Now a flight to England demands so much fuel that sufficient bomb loads cannot be carried. The invention of a new type mine is of greatest importance for the Navy. Aircraft will be the chief mine layers now. We shall sow the English coast with mines which cannot be cleared.

- 12 -

This mine warfare with the Luftwaffe demands a different starting point. England cannot live without its imports. We can feed ourselves. The permanent sowing of mines on the English coasts will bring England to her knees. However, this can only occur if we have occupied Belgium and Holland. It is a difficult decision for me. None has ever achieved what I have achieved. My life is of no importance in all this. I have led the German people to a great height, even if the world does hate us now. I am setting this work on a gamble. I have to choose between victory or destruction. I choose victory. Greatest historical choice, to be compared with the decision of Friedrich the Great before the first Silesian war. Prussia owes its rise to the heroism of one man. Even there the closest advisors were disposed to capitulation. Everything depended on Friedrich the Great. Even the decisions of Bismarck in 1866 and 1870 were no less great.

My decision is unchangeable. I shall attack France and England at the most favorable and quickest moment. Breach of the neutrality of Belgium and Holland is meaningless. No one will question that when we have won, we shall not bring about the breach of neutrality as idiotically as it was in 1914. If we do not break the neutrality, then England and France will. Without attack the war is not to be ended victoriously. I consider it as possible to end the war only by means of an attack. The question as to whether the attack will be successful no one can answer.

- 94 -

Doc. (INT) PS 789 - US 23

- 13 -

Everything depends upon the favorable instant. The military conditions are favorable. .. prerequisite however, is that the leadership must give an example of fanatical unity from above. There would not be any failures if the leaders always had the courage : riflemen must have.

Individual acknowledgements: The enemy must be beaten only by attack. Chances are different today than during the offensive of 1918. Numerically we have now more than 100 divisions. With respect to men reserves can be supplied. The material situation is good. Moreover that what is not ready today must be ready tomorrow. The whole thing means the end of the World War, not just of a single action. It concerns not just a single question but the existence or non-existence of the nation.

I ask you to pass on the spirit of determination of the lower echelons

- 1) The decision is irrevocable.
- 2) The only prospect for success, if the whole armed forces are determined.

The spirit of the great men of our history must hearten us all. Fate demands from us no more than from the great men of German history. As long as I live I shall think of the victory of my people. I shall shrink from nothing and shall destroy everyone who is opposed to it. I have decided to live my life so

- 95 -

- 14 -

that I can stand unshamed if I have to die. I want to
destroy the enemy. Behind me stands the German people, whose
morale can only grow worse. Only he who struggles with destiny
can have a good intuition. In the last years I have experienced
many examples of intuition. Even in the present development I see
the prophecy.

If we come through this struggle victoriously - and we shall
come through victoriously - our time will enter into the history
of our people. I shall stand or fall in this struggle. I shall
never survive the defeat of my people. No capitulation to the
outside forces, no revolution from the interior forces.

CERTIFICATE OF TRANSLATION
OF DOCUMENT No 789-PS

3 October 1945

I, Fred Niebergall, 2nd Lt Inf, O-1335567, hereby certify that I am
thoroughly conversant with the English and German languages,
and that the above is a true and correct translation of
document PS-789.

Fred Niebergall,
2nd Lt Inf
O-1335567

I, Dr. Walter S i e m e n s , lawyer in Hamburg, at present defense counsel at the American Military Tribunal in Nuernberg, hereby declare that the following excerpts have been taken from the

J u d g m e n t
of the International Military Tribunal of
30 September/ 1 October 1946.

and have been literally copied from the official publication of the proceedings against the major war criminals at the International Military Tribunal in Nuernberg, from Volume I in the German language.

Each excerpt has been marked with the page number and the English page numbers in parentheses.

Passages underlined in the various excerpts stem from the defense and the marginal document numbers as well.

Nuernberg, 5 March 1948.

(Dr. Siemens)

T R I A L
OF THE
M A J O R W A R C R I M I N A L S

before the
I N T E R N A T I O N A L
M I L I T A R Y T R I B U N A L

N U R E M B E R G

14 November 1945 - 1 October 1946

International Military Tribunal
Nuremberg

Published at Nuremberg, Germany,
1947.

-.-.-.-

This volume is published in accordance with the
direction of the International Military Tribunal
by the Secretariat of the Tribunal, under the
jurisdiction of the Allied Control Council for
Germany.

-.-.-.-.-

Volume I

Official Text
in the
English Language

Introduction Volume

- 2 -

Page 171 (189):

J U D G M E N T

Page 188 (209):

THE PLANNING OF AGGRESSION.

Evidence from captured documents has revealed that Hitler held four secret meetings to which the Tribunal proposes to make special reference because of the light they shed upon the question of the common plan and aggressive war.

These meetings took place on 5 November 1937, 23 May 1939, 22 August 1939, and 23 November 1939.

At these meetings important declarations were made by Hitler as to his purposes, which are quite unmistakable in their terms.

Page 188-192 (210-213):

It will perhaps be useful to deal first of all with the meeting of 23 November 1939, when Hitler called his Supreme Commanders together. A record was made of what was said, by one of those present. At the date of the meeting, Austria and Czechoslovakia had been incorporated into the German Reich, Poland had been conquered by the German Armies, and the war with

- 3 -

Great Britain and France was still in its static phase. The moment was opportune for a review of past events. Hitler informed the Commanders that the purpose of the Conference was to give them an idea of the world of his thoughts and to tell them his decision. He thereupon reviews his political task since 1919, and referred to the secession of Germany from the League of Nations, the denunciation of the Disarmament Conference, the order for re-armament, the introduction of compulsory armed service, the occupation of the Rhineland, the seizure of Austria, and the action against Czechoslovakia. He stated:

789-PS "One year later, Austria came; this step also was
US-23 considered
doubtful. It brought about a considerable reinforcement of the Reich. The next step was Bohemia, Moravia, and Poland. This step also was not possible to accomplish in one campaign. First of all, the western fortification had to be finished. It was not possible to reach the goal in one effort. It was clear to me from the first moment that I could not be satisfied with the Sudeten German territory. That was only a partial solution. The decision to march into Bohemia was made. Then followed the erection of the Protectorate and with that the basis for the action against Poland was laid, but I wasn't quite clear at that time whether I should start first against the East and then in the West

- 4 -

or vice versa..... Basically I did not organize the Armed Forces in order not to strike. The decision to strike was always in me. Earlier or later I wanted to solve the problem. Under pressure it was decided that the East was to be attacked first."

This address, reviewing past events and re-affirming the aggressive intentions present from the beginning, puts beyond any question of doubt the character of the actions against Austria and Czechoslovakia, and the war against Poland.

For they had all been accomplished according to plan; and the nature of that plan must now be examined in a little more detail.

At the meeting of 23 November 1939 Hitler was looking back to things accomplished; at the earlier meetings now to be considered, he was looking forward, and revealing his plans to his confederates. The comparison is instructive.

The meeting held at the Reich Chancellery in Berlin on 5 November 1937 was attended by Lieutenant Colonel Hessbach, Hitler's personal adjutant, who compiled a long note of the proceedings, which he dated 10 November 1937 and signed.

The persons present were Hitler, and the Defendants Goering, Von Neurath, and Raeder, in their capacities as Commander-in-Chief of the Luftwaffe, Reich Foreign Minister, and Commander-in-Chief of the Navy respectively,

- 5 -

General Von Blomberg, Minister of War, and General Von Fritsch, the Commander-in-Chief of the Army.

Hitler began by saying that the subject of the conference was of such high importance that in other States it would have taken place before the Cabinet. He went on to say that the subject matter of his speech was the result of his detailed deliberations, and of his experiences during his four and a half years of Government. He requested that the statements he was about to make should be locked upon in the case of his death as his last will and testament. Hitler's main theme was the problem of living space, and he discussed various possible solutions, only to set them aside. He then said that the seizure of living space on the continent of Europe was therefore necessary, expressing himself in these words:

386-PS "It is not a case of conquering people but of
US-25 conquering agriculturally useful space. It would
also be more to the purpose to seek raw material
producing territory in Europe directly adjoining
the Reich and not overseas, and this solution
would have to be brought into effect for one or
two generations.....

The history of all times - Roman Empire, British Empire - has proved that every space expansion can only be effected by breaking resistance and taking risks. Even setbacks are unavoidable: neither formerly nor today has space been found without an owner; the attacker always comes up against the proprietor."

- 6 -

He concluded with this observation:

"The question for Germany is where the greatest possible conquest could be made at the lowest cost."

Nothing could indicate more plainly the aggressive intentions of Hitler, and the events which soon followed showed the reality of his purpose. It is impossible to accept the contention that Hitler did not actually mean war; for after pointing out that Germany might expect the opposition of England and France, and analyzing the strength and the weakness of these powers in particular situations, he continued:

"The German question can be solved only by way of force, and this is never without risk.... If we place the decision to apply force with risk at the head of the following expositions, then we are left to reply to the questions "when" and "how". In this regard we have to decide upon three different cases."

The first of these three cases set forth a hypothetical international situation, in which he would take action not later than 1943 to 1945, saying:

"If the Fuehrer is still living then it will be his irrevocable decision to solve the German space problem not later than 1943 to 1945. The necessity for action before 1943 to 1945 will come under consideration in Cases 2 and 3."

The second and third cases to which Hitler referred show the plain intention to seize Austria and Czechoslovakia, and in

- 7 -

this connection Hitler said:

"For the improvement of our military-political position, it must be our first aim in every case of entanglement by war to conquer Czechoslovakia and Austria simultaneously in order to remove any threat from the flanks in case of a possible advance westwards."

He further added:

"The annexation of the two States to Germany militarily and politically would constitute a considerable relief, owing to shorter and better frontiers, the freeing of fighting personnel for other purposes, and the possibility of reconstituting new armies up to a strength of about twelve divisions."

This decision to seize Austria and Czechoslovakia was discussed in some detail; the action was to be taken as soon as a favorable opportunity presented itself.

The military strength which Germany had been building up since 1933 was now to be directed at the two specific countries, Austria and Czechoslovakia.

The Defendant Goering testified that he did not believe at that time that Hitler actually meant to attack Austria and Czechoslovakia, and that the purpose of the conference was only to put pressure on Von Fritsch to speed up the re-armament of the Army.

The Defendant Raeder testified that neither he, nor

- 8 -

Von Fritsch, nor Von Blomberg, believed that Hitler actually meant war, a conviction which the Defendant Raeder claims that he held up to 22 August 1939. The basis of this conviction was his hope that Hitler would obtain a "political solution" of Germany's problems. But all that this means, when examined, is the belief that Germany's position would be so good, and Germany's armed might so overwhelming that the territory desired could be obtained without fighting for it. It must be remembered too that Hitler's declared intention with regard to Austria was actually carried out within a little over four months from the date of the meeting, and within less than a year the first portion of Czechoslovakia was absorbed and Bohemia and Moravia a few months later. If any doubts had existed in the minds of any of his hearers in November 1937, after March 1939 there could no longer be any question that Hitler was in deadly earnest in his decision to resort to war. The Tribunal is satisfied that Lieutenant Colonel Hessbach's account of the meeting is substantially correct, and that those present knew that Austria and Czechoslovakia would be annexed by Germany at the first possible opportunity.

Page 198 (220):

The Aggression against Poland.

On 23 May 1939 a meeting was held in Hitler's study in the new Reich Chancellery in Berlin. Hitler announced his decision to attack Poland and gave his reasons, and discussed the effect the decision might have on other countries. In point of time, this was the second of the important meetings to which reference has already been made.

Page 200-201 (223-224):

Among the persons present were the Defendants Goering, Raeder, and Keitel. The adjutant on duty that day was Lieutenant Colonel Schmudt, and he made a record of what happened, certifying it with his signature as a correct record.

The purpose of the meeting was to enable Hitler to inform the heads of the Armed Forces and their staffs of his views on the political situation and his future aims. After analyzing the political situation and reviewing the course of events, since 1933, Hitler announced his decision to attack Poland. He admitted that the quarrel with Poland over Danzig was not the reason for this attack, but the necessity for Germany to enlarge her living space and secure her food supplies. He said:

L-79 "The solution of the problem demands courage. The
US-27 principle by which one evades solving the problem by adapting oneself to circumstances is inadmissible. Circumstances must rather be adapted to needs. This is impossible without invasion of

- 10 -

foreign States or attacks upon foreign property."

Later in his address he added:

"There is therefore no question of sparing Poland, and we are left with the decision to attack Poland at the first suitable opportunity. We cannot expect a repetition of the Czech affair. There will be war. Our task is to isolate Poland. The success of the isolation will be decisive The isolation of Poland is a matter of skillful politics."

Lieutenant Colonel Schmidt's record of the meeting reveals that Hitler fully realized the possibility of Great Britain and France coming to Poland's assistance. If, therefore, the isolation of Poland could not be achieved, Hitler was of the opinion that Germany should attack Great Britain and France first, or at any rate should concentrate primarily on the war in the West, in order to defeat Great Britain and France quickly, or at least to destroy their effectiveness. Nevertheless, Hitler stressed that war with England and France would be a life and death struggle, which might last a long time, and that preparations must be made accordingly.

Page 201-202 (224-225):

On 22 August 1939 there took place the important meeting of that day, to which reference has already been made. The Prosecution have put in evidence two unsigned captured documents which appear to be records made of this meeting by persons who were present. The first document is headed: "The Fuehrer's Speech to the

- 11 -

Commanders-in-Chief on 22 August 1939." The purpose of the speech was to announce the decision to make war on Poland at once, and Hitler began by saying:

798-PS "It was clear to me that a conflict with Poland
US-29 had to come sooner or later. I had already made this decision in the spring, but I thought that I would first turn against the West in a few years, and only afterwards against the East.... I wanted to establish an acceptable relationship with Poland in order to fight first against the West. But this plan, which was agreeable to me, could not be executed since essential points have changed. It became clear to me that Poland would attack us in case of a conflict with the West."

Hitler then went on to explain why he had decided that the most favorable moment had arrived for starting the war:

"Now", said Hitler, "Poland is in the position in which I wanted her I am only afraid that at the last moment some Schweinehund will make a proposal for mediation... A beginning has been made for the destruction of England's hegemony."

This document closely resembles one of the documents put in evidence on behalf of the Defendant Raeder. This latter document consists of a summary of the same speech, compiled on the day it was made, by one Admiral Boehn, from notes he had taken during the meeting. In substance it says that the moment had arrived to settle the dispute with Poland by military invasion, that although a conflict

- 12 -

between Germany and the West was unavoidable in the long run, the likelihood of Great Britain and France coming to Poland's assistance was not great, and that even if a war in the West should come about, the first aim should be the crushing of the Polish military strength. It also contains a statement by Hitler that an appropriate propaganda reason for invading Poland would be given, the truth or falsehood of which was unimportant, since "the Right lies in Victory".

The second unsigned document put in evidence by the Prosecution is headed: "Second Speech by the Fuehrer on 22 August 1939", and is in the form of notes of the main points made by Hitler. Some of these are as follows:

1014-PS "Everybody shall have to make a point of it that
US-30 we were determined from the beginning to fight
the Western Powers. Struggle for life or death....
destruction of Poland in the foreground. The
aim is elimination of living forces, not the
arrival at a certain line. Even if war should
break out in the West, the destruction of Poland
shall be the primary objective. I shall give a
propagandist cause for starting the war -- never
mind whether it be plausible or not. The victor
shall not be asked later on whether we told the
truth or not. In starting and making a war, not
the Right is what matters, but Victory.... The
start will be ordered probably by Saturday morning."
(That is to say, 26 August).

- 13 -

In spite of it being described as a second speech, there are sufficient points of similarity with the two previously mentioned documents to make it appear very probable that this is an account of the same speech, not as detailed as the other two, but in substance the same.

These three documents establish that the final decision as to the date of Poland's destruction, which had been agreed upon and planned earlier in the year, was reached by Hitler shortly before 22 August 1939. They also show that although he hoped to be able to avoid having to fight Great Britain and France as well, he fully realized there was a risk of this happening, but it was a risk which he was determined to take.

Page 204 (227):

Dahlerus, of course, had no knowledge at the time of the decision which Hitler had secretly announced on 22 August, nor of the German military directives for the attack on Poland which were already in existence. As he admitted in his evidence, it was not until 26 September, after the conquest of Poland was virtually complete, that he first realized that Goering's aim all along had been to get Great Britain's consent to Germany's seizure of Poland.

- 14 -

Page 224 (250):

The Law as to the Common Plan or Conspiracy.

Page 226 (252-253):

Hitler could not make aggressive war by himself. He had to have the co-operation of statesmen, military leaders, diplomats, and business men. When they, with knowledge of his aims, gave him their co-operation, they made themselves parties to the plan he had initiated. They are not to be deemed innocent because Hitler made use of them, if they knew what they were doing.

Page 275-276 (310):

THE REICH CABINET.

A number of the cabinet members were undoubtedly involved in the conspiracy to make aggressive war; but they were involved as individuals and there is no evidence that the Cabinet as a group or organization took any part in these crimes. It will be remembered that when Hitler disclosed his aims of criminal aggression at the Hossbach Conference, the disclosure was not made before the Cabinet and that the Cabinet was not consulted with regard to it, but, on the contrary, that it was made secretly to a small group upon whom Hitler would necessarily rely in carrying on the war. Likewise no cabinet order authorized the invasion of Poland.

- 15 -

On the contrary, the Defendant Schacht testifies that he sought to stop the invasion by a plea to the Commander-in-Chief of the Army that Hitler's order was in violation of the Constitution because not authorized by the Cabinet.

Page 279-280 (314-315):

GOERING.

Crimes against Peace.

Goering was one of the five important leaders present at the Hossbach Conference of 5 November 1937, and he attended the other important conferences already discussed in this Judgment.

Goering attended the Reich Chancellery meeting of 23 May 1939 when Hitler told his military leaders "there is, therefore, no question of sparing Poland", and was present at the Obersalzberg briefing of 22 August 1939. And the evidence shows he was active in the diplomatic maneuvers which followed.

Page 282 (318):

He was the leading war aggressor, both as political and as military leader;.....

Conclusion.

The Tribunal finds the Defendant Goering guilty on all four Counts of the Indictment.

Page 282-283 (318):

HESS.

Crimes against Peace.

As deputy to the Fuehrer, Hess was the top man in the Nazi Party with responsibility for handling all Party matters, and authority to make decisions in Hitler's name on all questions of Party leadership. As Reich Minister without Portfolio he had the authority to approve all legislation suggested by the different Reich Ministers before it could be enacted as law. In these positions, Hess was an active supporter of preparations for war.

Page 284 (320):

These specific steps which this defendant took in support of Hitler's plans for aggressive action do not indicate the full extent of his responsibility. Until his flight to England, Hess was Hitler's closest personal confidant. Their relationship was such that Hess must have been informed of Hitler's aggressive plans when they came into existence. And he took action to carry out these plans whenever action was necessary.

Page 285 (321):

Conclusion.

The Tribunal finds the Defendant Hess guilty on Counts One and Two, and not guilty on Counts Three and Four.

Page 285 (321-322):

VON RIBBENTROP

Crimes against Peace.

On 12 February 1938 Von Ribbentrop attended the conference between Hitler and Schuschnigg at which Hitler, by threats of invasion, forced Schuschnigg to grant a series of concessions designed to strengthen the Nazis in Austria, including the appointment of Seyss-Inquart as Minister of Security and Interior, with control over the police.

Page 286 (322-323):

Von Ribbentrop played a particularly significant role in the diplomatic activity which led up to the attack on Poland. He participated in a conference held on 12 August 1939, for the purpose of obtaining Italian support if the attack should lead to a general European war.

Von Ribbentrop was advised in advance of the attack on Norway and Denmark and of the attack on the Low Countries, and prepared the official Foreign Office memoranda attempting to justify these aggressive actions.

Von Ribbentrop attended the conference on 20 January 1941, at which Hitler and Mussolini discussed the proposed attack on Greece, and the conference in January 1941, at which Hitler obtained from Antonescu permission for German troops to go through Rumania for this attack. On 25 March 1941, when Yugoslavia adhered to the Axis Tripartite Pact, Von Ribbentrop

- 18 -

had assured Yugoslavia that Germany would respect its sovereignty and territorial integrity. On 27 March 1941 he attended the meeting, held after the occupation of Yugoslavia, at which plans were made to carry out Hitler's announced intention to destroy Yugoslavia.

Von Ribbentrop attended a conference in May 1941 with Hitler and Antonescu relating to Rumanian participation in the attack on the U.S.S.R. He also consulted with Rosenberg in the preliminary planning for the political exploitation of Soviet territories and in July 1941, after the outbreak of war, urged Japan to attack the Soviet Union.

Page 288 (324):

Conclusion.

The Tribunal finds that Von Ribbentrop is guilty on all four Counts.

- 115 -

Page 288-289 (324-325):

KEITEL

Crimes against Peace.

Keitel attended the Schuschnigg conference in February 1938 with two other generals. Their presence, he admitted, was a "military demonstration".....

Hitler and Keitel then continued to put pressure on Austria with false rumors, broadcasts, and troop manœuvres. Keitel made the military and other arrangements, and ~~Jodl's~~ diary noted "the effect is quick and strong."

On 21 April 1938 Hitler and Keitel considered making use of a possible "incident", such as the assassination of the German Minister at Prague, to preface the attack on Czechoslovakia. Keitel signed many directives and memoranda on "Fall Gruen", including the directive of 30 May containing Hitler's statement: "It is my unalterable decision to smash Czechoslovakia by military action in the near future." After Munich, Keitel initialed Hitler's directive for the attack on Czechoslovakia, and issued two supplements.

Keitel was present on 23 May 1939 when Hitler announced

- 20 -

his decision "to attack Poland at the first suitable opportunity". Already he had signed the directive requiring the Wehrmacht to submit its "Fall Weiss" timetable to OKW by 1 May.

The invasion of Norway and Denmark he discussed on 12 December 1939 with Hitler, Jodl, and Raeder. By directive of 27 January 1940 the Norway plans were placed under Keitel's "direct and personal guidance". Hitler had said on 23 May 1939 he would ignore the neutrality of Belgium and the Netherlands, and Keitel signed orders for these attacks on 15 October, 20 November, and 28 November 1939. Orders postponing this attack 17 times until spring all were signed by Keitel or Jodl.

Page 291 (328):

Conclusion

The Tribunal finds Keitel guilty on all four Counts.

Page 291 (328-329):

KALTENBRUNNER
Crimes against Peace.

As leader of the SS in Austria Kaltenbrunner was active in the Nazi intrigue against the Schuschnigg Government. On the night of 11 March 1938, after Goering had ordered Austrian National Socialists to seize control of the Austrian Government, 500 Austrian SS men under Kaltenbrunner's command surrounded the Federal Chancellery and a special detachment under the command of his adjutant entered the Federal Chancellery while Seyss-Inquart was negotiating with President Miklas. But there is no evidence connecting Kaltenbrunner with plans to wage aggressive war on any other front. The Anschluss, although it was an aggressive act, is not charged as an aggressive war, and the evidence against Kaltenbrunner under Count One does not, in the opinion of the Tribunal, show his direct participation in any plan to wage such a war.

Page 293 (331):

Conclusion.

The Tribunal finds that Kaltenbrunner is not guilty on Count One. He is guilty under Counts Three and Four.⁺⁾

⁺⁾ Kaltenbrunner was not indicted under Count 2 .

- 22 -

Page 293-294 (331-332):

ROSENBERG

Crimes against Peace.

Rosenberg, together with Raeder, was one of the originators of the plan for attacking Norway.

Rosenberg bears a major responsibility for the formulation and execution of occupation policies in the Occupied Eastern Territories. He was informed by Hitler on 2 April 1941 of the coming attack against the Soviet Union, and he agreed to help in the capacity of a "Political Adviser". On 20 April 1941 he was appointed Commissioner for the Central Control of Questions Connected with the East-European Region. In preparing the plans for the occupation, he had numerous conferences with Keitel, Raeder, Goering, Funk, Von Ribbentrop, and other high Reich authorities.

Page 296 (334):

Conclusion

The Tribunal finds that Rosenberg is guilty on all four Counts.

- 23 -

Page 296 (334):

FRANK

Crimes against Peace.

The evidence has not satisfied the Tribunal that Frank was sufficiently connected with the common plan to wage aggressive war to allow the Tribunal to convict him on Count One.

Page 298 (337):

Conclusion _

The Tribunal finds that Frank is not guilty on Count One but guilty under Counts Three and Four.^{+))}

^{+))}
Frank was not indicted under
Count 2.

- 24 -

Page 298-300 (337-338):

FRICK

Frick is indicted on all four Counts. Recognized as the chief Nazi administrative specialist and bureaucrat, he was appointed Reichsminister of the Interior in Hitler's first Cabinet. He retained this important position until August 1943, when he was appointed Reich Protector of Bohemia and Moravia.

Crimes against Peace.

The evidence does not show that he participated in any of the conferences at which Hitler outlined his aggressive intentions. Consequently the Tribunal takes the view that Frick was not a member of the common plan or conspiracy to wage aggressive war as defined in this Judgment.

Frick signed the law of 13 March 1938 which united Austria with the Reich, and he was made responsible for its accomplishment. In setting up German administration in Austria, he issued decrees which introduced German law, the Nuremberg decrees, the Military Service Law, and he provided for police security by Himmler.

He also signed the laws incorporating into the Reich the Sudetenland, Memel, Danzig, the Eastern territories (West Prussia and Posen), and Eupen, Malmedy, and Moresnet. He was placed in charge of the actual

- 25 -

incorporation, and of the establishment of German administration over these territories. He signed the law establishing the Protectorate of Bohemia and Moravia.

As the head of the Central Offices for Bohemia and Moravia, the Government General, and Norway, he was charged with obtaining close cooperation between the German officials in these occupied countries and the supreme authorities of the Reich. He supplied German civil servants for the administrations in all occupied territories, advising Rosenberg as to their assignment in the Occupied Eastern Territories. He signed the laws appointing Terboven Reich Commissioner to Norway and Seyss-Inquart to Holland.

Page 301 (340):

Conclusion

The Tribunal finds that Frick is not guilty on Count One . He is guilty on Counts Two, Three, and Four.

- 122 -

Page 301-302 (340):

STREICHER

Crimes against Peace.

Streicher was a staunch Nazi and supporter of Hitler's main policies. There is no evidence to show that he was ever within Hitler's inner circle of advisers; nor during his career was he closely connected with the formulation of the policies which led to war. He was never present, for example, at any of the important conferences when Hitler explained his decisions to his leaders. Although he was a Gauleiter there is no evidence to prove that he had knowledge of those policies. In the opinion of the Tribunal, the evidence fails to establish his connection with the conspiracy or common plan to wage aggressive war as that conspiracy has been elsewhere defined in this Judgment.

Page 304 (343):

Conclusion.

The Tribunal finds that Streicher is not guilty on Count One, but that he is guilty on Count Four. +)

+) Streicher was not indicted under Counts 2 and 3.

- 27 -

Page 304-305 (343-344):

FUNK

Crimes against Peace.

Funk became active in the economic field after the Nazi plans to wage aggressive war had been clearly defined. One of his representatives attended a conference on 14 October 1938, at which Goering announced a gigantic increase in armaments and instructed the Ministry of Economics to increase exports to obtain the necessary exchange. On 28 January 1939 one of Funk's subordinates sent a memorandum to the OKW on the use of prisoners of war to make up labor deficiencies which would arise in case of mobilization. On 30 May 1939, the Under Secretary of the Ministry of Economics attended a meeting at which detailed plans were made for the financing of the war.

On 25 August 1939 Funk wrote a letter to Hitler expressing his gratitude that he was able to participate in such world-shaking events; that his plans for the "financing of the war", for the control of wage and price conditions and for the strengthening of the Reichsbank had been completed; and that he had inconspicuously transferred into gold all foreign exchange resources available to Germany. On 14 October 1939, after the war had begun, he made a speech in which he stated that the economic and financial departments of Germany working under the Four Year Plan had been engaged in the secret

- 28 -

economic preparation for war for over a year.

Funk participated in the economic planning which preceded the attack on the U.S.S.R. His deputy held daily conferences with Rosenberg on the economic problems which would arise in the occupation of Soviet territory. Funk himself participated in planning for the printing of ruble notes in Germany prior to the attack to serve as occupation currency in the U.S.S.R. After the attack he made a speech in which he described plans he had made for the economic exploitation of the "vast territories of the Soviet Union" which were to be used as a source of raw material for Europe.

Funk was not one of the leading figures in originating the Nazi plans for aggressive war. His activity in the economic sphere was under the supervision of Goering as Plenipotentiary General of the Four Year Plan. He did, however, participate in the economic preparation for certain of the aggressive wars, notably those against Poland and the Soviet Union, but his guilt can be adequately dealt with under Count Two of the Indictment.

Page 307 (346):

Conclusion

The Tribunal finds that Funk is not guilty on Count One but is guilty under Counts Two, Three, and Four.

- 29 -

Page 307, 308-310(346, 348-350):

SCHACHT

Crimes against Peace.

It is clear that Schacht was a central figure in Germany's rearmament program, and the steps which he took, particularly in the early days of the Nazi regime, were responsible for Nazi Germany's rapid rise as a military power. But rearmament of itself is not criminal under the Charter. To be a Crime against Peace under Article 6 of the Charter it must be shown that Schacht carried out this rearmament as part of the Nazi plans to wage aggressive wars.

Schacht has contended that he participated in the rearmament program only because he wanted to build up a strong and independent Germany which would carry out a foreign policy which would command respect on an equal basis with other European countries; that when he discovered that the Nazis were rearming for aggressive purposes he attempted to slow down the speed of rearmament; and that after the dismissal of Von Fritsch and Von Blomberg he participated in plans to get rid of Hitler, first by deposing him and later by assassination.

Schacht, as early as 1936, began to advocate a limitation of the rearmament program for financial reasons. Had the policies advocated by him been put into effect, Germany would not have been prepared for a general European war. Insistence on his policies

- 30 -

led to his eventual dismissal from all positions of economic significance in Germany. On the other hand, Schacht, with his intimate knowledge of German finance, was in a peculiarly good position to understand the true significance of Hitler's frantic rearmament, and to realize that the economic policy adopted was consistent only with war as its object.

Moreover, Schacht continued to participate in German economic life and even, in a minor way, in some of the early Nazi aggressions. Prior to the occupation of Austria he set a rate of exchange between the mark and the schilling. After the occupation of Austria he arranged for the incorporation of the Austrian National Bank into the Reichsbank and made a violently pro-Nazi speech in which he stated that the Reichsbank would always be Nazi as long as he was connected with it, praised Hitler, defended the occupation of Austria, scoffed at objections to the way it was carried out, and ended with "to our Fuehrer a triple 'Sieg Heil'". He has not contended that this speech did not represent his state of mind at the time. After the occupation of the Sudetenland, he arranged for currency conversion and for the incorporation into the Reichsbank of local Czech banks of issue. On 29 November 1938 he made a speech in which he pointed with pride to his economic policy which had created the high degree of German armament, and added that this armament had made Germany's foreign policy possible.

Schacht was not involved in the planning of any of the specific wars of aggression charged in Count Two. His participation in the occupation of Austria and the Sudetenland (neither of which are charged as aggressive wars) was on such a limited basis that it does not amount to participation in the common plan charged in Count One. He was clearly not one of the inner circle around Hitler which was most closely involved with this common plan. He was regarded by this group with undisguised hostility. The testimony of Speer shows that Schacht's arrest on 23 July 1944 was based as much on Hitler's enmity towards Schacht growing out of his attitude before the war as it was on suspicion of his complicity in the bomb plot. The case against Schacht therefore depends on the inference that Schacht did in fact know of the Nazi aggressive plans.

On this all-important question evidence has been given for the Prosecution, and a considerable volume of evidence for the Defense. The Tribunal has considered the whole of this evidence with great care, and comes to the conclusion that this necessary inference has not been established beyond a reasonable doubt.

Conclusion. -

The Tribunal finds that Schacht is not guilty on this Indictment, and directs that he shall be discharged by the Marshal when the Tribunal presently adjourns.^{+))}

^{+))} Schacht was indicted under Counts 1 and 2.

- 32 -

DOENITZ

Crimes against Peace.

Although Doenitz built and trained the German U-boat arm, the evidence does not show he was privy to the conspiracy to wage aggressive wars or that he prepared and initiated such wars. He was a line officer performing strictly tactical duties. He was not present at the important conferences when plans for aggressive wars were announced, and there is no evidence he was informed about the decisions reached there. Doenitz did, however, wage aggressive war within the meaning of that word as used by the Charter.

From January 1943, Doenitz was consulted almost continuously by Hitler. The evidence was that they conferred on naval problems about 120 times during the course of the war.

As late as April 1945, when he admits he knew the struggle was hopeless, Doenitz as its Commander-in-Chief urged the Navy to continue its fight. On 1 May 1945 he became the Head of State and as such ordered the Wehrmacht to continue its war in the East until capitulation on 9 May 1945. Doenitz explained that his reason for these orders was to insure that the German civilian population might be evacuated and the Army might make an orderly retreat from the East.

- 33 -

In the view of the Tribunal, the evidence shows that Drenitz was active in waging aggressive war.

Page 315 (355):

Conclusion

The Tribunal finds Drenitz is not guilty on Count One of the Indictment, and is guilty on Counts Two and Three.

- 34 -

Page 315-317 (356, 358):

RAEDER

Crimes against Peace.

Raeder received the directive of 24 June 1937 from Von Blomberg requiring special preparations for war against Austria. He was one of the five leaders present at the Hossbach Conference of 5 November 1937. He claims Hitler merely wished by this conference to spur the Army to faster rearmament, insists he believed the questions of Austria and Czechoslovakia would be settled peacefully, as they were, and points to the new naval treaty with England which had just been signed. He received no orders to speed construction of U-boats, indicating that Hitler was not planning war.

Raeder received directives on "Fall Gruen" and the directives on "Fall Weiss" beginning with that of 3 April 1939; the latter directed the Navy to support the Army by intervention from the sea. He was also one of the few chief leaders present at the meeting of 23 May 1939. He attended the Obersalzberg briefing of 22 August 1939.

It is clear from this evidence that Raeder participated in the planning and waging of aggressive war.

DOCUMENT BOOK I SCHNITZLER No. 21
EXHIBIT No.

- 35 -

Page 317 (358):

Conclusion -

The Tribunal finds that Raeder is guilty on
Counts One, Two and Three.

- 132 -

- 36 -

Page 317-320 (359-361):

VON SCHIRACH

Crimes against Peace.

Despite the warlike nature of the activities of the Hitler Jugend, however, it does not appear that Von Schirach was involved in the development of Hitler's plan for territorial expansion by means of aggressive war, or that he participated in the planning or preparation of any of the wars of aggression.

Conclusion.

The Tribunal finds that Von Schirach is not guilty on Count One. He is guilty under Count Four. +)

+) Von Schirach was not indicted under Counts 2 and 3.

- 37 -

Page 320 (361-362):

SAUCKEL

Crimes against Peace.

The evidence has not satisfied the Tribunal that Sauckel was sufficiently connected with the common plan to wage aggressive war or sufficiently involved in the planning or waging of the aggressive wars to allow the Tribunal to convict him on Counts One or Two.

Page 322 (364):

Conclusion

The Tribunal finds that Sauckel is not guilty on Counts One and Two. He is guilty under Counts Three and Four.

- 134 -

- 38 -

Page 322-325 (364-367):

JODL

Crimes against Peace.

Jodl discussed the Norway invasion with Hitler, Keitel, and Raeder on 12 December 1939;.....

His testimony shows that from October 1939 Hitler planned to attack the West through Belgium, but was doubtful about invading Holland until the middle of November. On 8 February 1940, Jodl, his deputy Warlimont, and Jeschennok, the Air Forces planner, discussed among themselves the "new idea" of attacking Norway, Denmark, and Holland, but guaranteeing the neutrality of Belgium. Many of the 17 orders postponing the attack in the West for various reasons including weather conditions, until May 1940, were signed by Jodl.

He was active in the planning against Greece and Yugoslavia. The Hitler order of 11 January 1941 to intervene in Albania was initialed by Jodl. On 20 January, 4 months before the attack, Hitler told a conference of German and Italian generals in Jodl's presence that German troop concentrations in Rumania were to be used against Greece. Jodl was present on 18 March when Hitler told Raeder all Greece must be occupied before any settlement could be reached. On 27 March, when Hitler told the German High Command that the destruction of Yugoslavia should be accomplished with "unmerciful harshness", and the decision was taken to bomb

- 39 -

Belgrade without a declaration of war, Jodl was also there.

Jodl testified that Hitler feared an attack by Russia and so attacked first. This preparation began almost a year before the invasion. Jodl told Warlimont as early as 29 July 1940 to prepare the plans since Hitler had decided to attack; and Hitler later told Warlimont he had planned to attack in August 1940 but postponed it for military reasons. He initialed Hitler's directive of 12 November 1940 that preparations verbally ordered should be continued and also initialed "Case Barbarossa" on 18 December. On 3 February 1941 Hitler, Jodl, and Keitel discussed the invasion, and he was present on 14 June when final reports on "Case Barbarossa" were made.

Conclusion

The Tribunal finds that Jodl is guilty on all four counts.

- 40 -

Page 325-327 (367-370):

VON PAPEN

Crimes against Peace.

The evidence leaves no doubt that Von Papen's primary purpose as Minister to Austria was to undermine the Schuschnigg regime and strengthen the Austrian Nazis for the purpose of bringing about Anschluss. To carry through this plan he engaged in both intrigue and bullying. But the Charter does not make criminal such offenses against political morality, however bad these may be. Under the Charter Von Papen can be held guilty only if he was a party to the planning of aggressive war. There is no evidence that he was a party to the plans under which the occupation of Austria was a step in the direction of further aggressive action, or even that he participated in plans to occupy Austria by aggressive war if necessary. But it is not established beyond a reasonable doubt that this was the purpose of his activity, and therefore the Tribunal cannot hold that he was a party to the common plan charged in Count One or participated in the planning of the aggressive wars charged under Count Two.

Conclusion -

The Tribunal finds that Von Papen is not guilty under this indictment, and directs that he shall be discharged by the Marshal, when the Tribunal presently adjourns.

Page 327-330 (370-375):

SEYSS-INQUART

Criminal Activities in Poland and the Netherlands.

In September 1939 Seyss-Inquart was appointed Chief of Civil Administration of South Poland. On 12 October 1939 Seyss-Inquart was made Deputy Governor General of the General Government of Poland under Frank. On 18 May 1940 Seyss-Inquart was appointed Reich Commissioner for Occupied Netherlands. In these positions he assumed responsibility for governing territory which had been occupied by aggressive wars and the administration of which was of vital importance in the aggressive war being waged by Germany.

As Deputy Governor General of the General Government of Poland, Seyss-Inquart was a supporter of the harsh occupation policies which were put in effect. In November 1939, while on an inspection tour through the General Government, Seyss-Inquart stated that Poland was to be so administered as to exploit its economic resources for the benefit of Germany. Seyss-Inquart also advocated the persecution of Jews and was informed of the beginning of the AB action which involved the murder of many Polish intellectuals.

As Reich Commissioner for the Occupied Netherlands, Seyss-Inquart was ruthless in applying terrorism to suppress all opposition to the German occupation, a program which he described as "annihilating" his opponents. In collaboration with the

local Higher SS and Police Leaders he was involved in the shooting of hostages for offenses against the occupation authorities and sending to concentration camps all suspected opponents of occupation policies including priests and educators. Many of the Dutch police were forced to participate in these programs by threats of reprisal against their families. Dutch courts were also forced to participate in this program, but when they indicated their reluctance to give sentences of imprisonment because so many prisoners were in fact killed, a greater emphasis was placed on the use of summary police courts.

Seyss-Inquart carried out the economic administration of the Netherlands without regard for rules of the Hague Convention, which he described as obsolete. Instead, a policy was adopted for the maximum utilization of economic potential of the Netherlands, and executed with small regard for its effect on the inhabitants. There was widespread pillage of public and private property which was given color of legality by Seyss-Inquart's regulations, and assisted by manipulations of the financial institutions of the Netherlands under his control.

Conclusion -

The Tribunal finds that Seyss-Inquart is guilty under Counts Two, Three, and Four. Seyss-Inquart is not guilty on Count One.

Page 330-331 (373-374):

SPEER

Crimes against Peace.

The Tribunal is of opinion that Speer's activities do not amount to initiating, planning, or preparing wars of aggression, or of conspiring to that end. He became the head of the armament industry well after all of the wars had been commenced and were under way.

His activities in charge of German armament production were in aid of the war effort in the same way that other productive enterprises aid in the waging of war; but the Tribunal is not prepared to find that such activities involve engaging in the common plan to wage aggressive war as charged under Count One or waging aggressive war as charged under Count Two.

Page 333 (377):

Conclusion

The Tribunal finds that Speer is not guilty on Counts One and Two, but is guilty under Counts Three and Four.

Page 333-334 (377-378):

VON NEURATH

Crimes against Peace.

Von Neurath took part in the Hossbach conference of 5 November 1937. He has testified that he was so shocked by Hitler's statements that he had a heart attack. Shortly thereafter he offered to resign, and his resignation was accepted on 4 February 1938, at the same time that Von Fritsch and Von Blomberg were dismissed. Yet with knowledge of Hitler's aggressive plans he retained a formal relationship with the Nazi regime as Reich Minister without Portfolio, President of the Secret Cabinet Council and a member of the Reich Defense Council.

Page 336 (380):

Conclusion

The Tribunal finds that Von Neurath is guilty under all four Counts.

Page 336-338 (380-383):

FRITZSCHE

Crimes against Peace.

As head of the Home Press Division Fritzsche supervised the German press of 2,300 daily newspapers. In pursuance of this function he held daily press conferences to deliver the directives of the Propaganda Ministry to these papers. He was, however, subordinate to Dietrich, the Reich Press Chief, who was in turn a subordinate of Goebbels. It was Dietrich who received the directives to the press of Goebbels and other Reich Ministers, and prepared them as instructions, which he then handed to Fritzsche for the press.

From time to time, the "Daily Paroles of the Reich Press Chief", as these instructions were labeled, directed the press to present to the people certain themes, such as the Leadership Principle, the Jewish problem, the problem of living space, or other standard Nazi ideas. A vigorous propaganda campaign was carried out before each major act of aggression. While Fritzsche headed the Home Press Division, he instructed the press how the actions or wars against Bohemia and Moravia, Poland, Yugoslavia, and the Soviet Union should be dealt with. Fritzsche had no control of the formulation of these propaganda policies. He was merely a conduit to the press of the instructions handed him by Dietrich. In February 1939 and before the absorption of Bohemia and Moravia, for instance, he received Dietrich's order to bring to the attention of the press Slovakia's efforts

- 46 -

for independence, and the anti-Germanic policies and politics of the existing Prague Government. This order to Dietrich originated in the Foreign Office.

The Radio Division, of which Fritzsche became the head in November 1942, was one of the 12 divisions of the Propaganda Ministry. In the beginning Dietrich and other heads of divisions exerted influence over the policies to be followed by radio. Towards the end of the war, however, Fritzsche became the sole authority within the Ministry for radio activities. In this capacity he formulated and issued daily radio "parcels" to all Reich propaganda offices, according to the general political policies of the Nazi regime, subject to the directives of the Radio-Political Division of the Foreign Office, and the personal supervision of Goebbels.

Fritzsche, with other officials of the Propaganda Ministry, was present at Goebbels' daily staff conferences. Here they were instructed in the news and propaganda policies of the day. After 1943 Fritzsche himself occasionally held these conferences, but only when Goebbels and his State Secretaries were absent. And even then his only function was to transmit the Goebbels' directives relayed to him by telephone.

This is the summary of Fritzsche's positions and influence in the Third Reich. Never did he achieve sufficient stature to attend the planning conferences which led to aggressive war; indeed according to his own uncontradicted testimony he never even had a conversation with Hitler. Nor is there any showing that he was

- 47 -

informed of the decisions taken at those conferences. His activities cannot be said to be those which fall within the definition of the common plan to wage aggressive war as already set forth in this Judgment.

Conclusion

The Tribunal finds that Fritzsche is not guilty under this Indictment and directs that he shall be discharged by the Marshal when the Tribunal presently adjourns.

- 144 -

Page 338-339 (383):

BORMANN

Crimes against Peace.

Bormann in the beginning a minor Nazi, steadily rose to a position of power and, particularly in the closing days, of great influence over Hitler. He was active in the Party's rise to power and even more so in the consolidation of that power. He devoted much of his time to the persecution of the churches and of the Jews within Germany.

The evidence does not show that Bormann knew of Hitler's plans to prepare, initiate, or wage aggressive wars. He attended none of the important conferences when Hitler revealed piece by piece these plans for aggression. Nor can knowledge be conclusively inferred from the positions he held. It was only when he became head of the Party Chancellery in 1941, and later in 1943 Secretary to the Fuehrer when he attended many of Hitler's conferences, that his positions gave him the necessary access. Under the view stated elsewhere which the Tribunal has taken of the conspiracy to wage aggressive war, there is not sufficient evidence to bring Bormann within the scope of Count One.

Page 341(386):

Conclusion

The Tribunal finds that Bormann is not guilty on Count One, but is guilty on Counts Three and Four.+))

+) Bormann was not indicted under Count 2.

A f f i d a v i t

I, Else A l b r e c h t , maiden name Rost, born on 25 June 1900 at Frankfurt/Main, hereby declare on oath the following:

From December 1926 to March 1945 I was Herr and Frau von Schnitzler's secretary.

At the beginning of August 1939 Frau von Schnitzler went to Switzerland to visit Frau Louis Jay, Ascona, Casa Segno and as every year, to take part in the philosophic-religious Franco meeting which took place under the chairmanship of the renowned Swiss psychologist, Prof. C.G.Jung. From there Frau von Schnitzler wanted to go to Yugoslavia where she intended to spend the summer vacation with her husband and her daughter Gabriele. About 12 August 1939 Herr von Schnitzler went with his daughter Gabriele to Ascona in order to call for his wife. They all then drove by auto to Yugoslavia.

Before he left I talked to Herr von Schnitzler about my own vacation plans. In reality I had also intended to take my vacation in August in order to go to England. I asked Herr von Schnitzler to permit me to leave in August already because my husband and I feared that due to the tense political situation a war might break out. ^{however was of a different} Herr von Schnitzler's ^{opinion} and first wanted me to leave after he got back so that I could supervise the house as private secretary. In view of my husband's pessimism I was very impressed that Herr von Schnitzler carefree and firmly believing that peace would be kept, went in the middle of August to Yugoslavia for several weeks.

At this and at former conversations it could clearly be seen that Herr von Schnitzler was unaware that Hitler was planning an aggressive war. In countless conversations, before and after the outbreak of war Herr von Schnitzler never pledged himself before me

DOCUMENT BOOK I -SCHNITZLER No. 22
EXHIBIT No. ..

to National Socialism. He heard me make criticism, without contradicting me and often said I was right. During the war we often discussed foreign news broadcasts. Herr von Schnitzler never attempted to prevent me or my husband from listening to these broadcasts on the contrary I had the impression that these supplementary news sources were very welcome to him. I never had to make a secret of my hostile attitude towards the party nor of my anti-militarist sentiments.

I add that I was not a member of the NSDAP nor of any of its organizations. Since 1946 my husband is a member of the City Council of the city of Frankfurt/Main. He is not incriminated politically.

Frankfurt/Main, 8 March 1948.

(signed) Else Albrecht
Maiden name Rost

Document file No. 243-1948

I hereby officially certify the above signature made personally in my presence by Frau Else Albrecht, maiden name Rost, residing at Frankfurt/Main, Kronbergerstrasse 30.

Frankfurt/Main, 11 March 1948

(signed) Dr. Georg Kettens
Notary deputy.

Seal Dr. Fritz Mertens
Notary Public in Frankfurt/Main

FOGS:

Value:	4,000.- RM	
Fee Per. 26,39,144 RKO		4,- RM
Turnover tax		-,12 "
Total		4,12 RM

signed Dr. Kettens
Notary deputy

Seal Dr. Fritz Mertens
Notary Public in
Frankfurt/Main

A f f i d a v i t .

I, Bertha B o y e r , nee Haeller, of Frankfurt/Main, No.6,
Haeberleinstrasse, cook in the house of Dr. Georg von Schnitzler
from 1931 until the house was bombed in March 1941, herewith declare
under oath:

In the beginning of August 1939 Frau von Schnitzler set out for
her usual annual summer trip. The destination for the trip was
Yugoslavia. As Frau von Schnitzler wanted to go to Switzerland
first, she went ahead alone. Herr von Schnitzler and the daughter,
Fraeulein Gabriele, followed Frau von Schnitzler in the middle
of August 1939. Before her departure Frau von Schnitzler discussed
with me my own vacation which I also was to take in August. Before
their departure neither Herr von Schnitzler nor Frau Schnitzler
said anything at all about the threat of war nor were purchases
of any kind made.

Herr and Frau von Schnitzler had planned to return to Frankfurt
from Yugoslavia only about the middle of September. Because of a
telegram which Herr von Schnitzler received from his firm of
I.G. Farben, he unexpectedly returned to Frankfurt in the very
last days of August. Frau von Schnitzler did not arrive in
Frankfurt until three days later, in the car.

Since Herr and Frau Schnitzler - as already stated - had not
given orders for making purchases of any kind, no supplies, especially of food,
had been bought. From this attitude of my employers I at the
time inferred that neither Herr von Schnitzler nor Frau von
Schnitzler knew that a war would break out; much rather I in -
ferred from conversations and from the actions of Herr and Frau von
Schnitzler that they were not even seriously worried about
the outbreak of a war.

- 2 -

I should also like to add that I am a Catholic, that at no time I had anything to do with the Party, especially that I was a member neither of the Party nor of any of its organizations.

My husband has always been a member of the Social Democratic Party and on account of a violation of the law against political malice (Heimtückengesetz) he was arrested in 1941 and detained for months in Freugensheim.

Frankfurt / Main, 8 March 1948.

signed: Bertha Boyer, nee Mueller
No. 6 Haerberleinstrasse
10 March 1948

No. 241 on Document Register for 1948

This is to certify to the above signature appended in my presence by Bertha Boyer, nee Mueller, a housewife - residing at No. 6 Haerberleinstrasse, Frankfurt/Main.

Frankfurt/Main, 11 March 1948.

signed: Dr. Georg Kattens

seal of
Dr. Fritz Mertens,
Notary in Frankfurt/Main.

officially appointed notary deputy
for Dr. Fritz Mertens, Notary.

Bill of costs:

value RM 3.000

fee, art. 26, 39, 144 RKO

turnover tax

RM 4.00

" 0.12

RM 4.12

signed: Dr. Kattens
Notary Deputy.

DOCUMENT BOOK I SCHNITZLER No. 24
Exhibit No.

8.III.48

Lilly von Schnitzler

(16) Frankfurt/Main
No. 16 Windmuhlenstrasse

I, Lilly von Schnitzler, nee von Pallinokredt, wife of
Dr. Georg von Schnitzler, Frankfurt/Main, No. 16 Windmuhlenstrasse,
give the following testimony under oath according to my best
knowledge and belief and without being able to refer to my pass-
port and the dates shown therein. My passport was taken away
from me by Dr. Minskoff, Interrogator for I.G. Farbenindustrie,
in May 1945, and it was not returned:

Between 1 and 6 August 1939 I drove to Ascona (Tessin) where I
lived in the house of Frau Louise Jay, Casa Sonjo. I had made
it a practice for a number of years to be there on 6 August which was
her birthday. Following that I attended a meeting of the religious
philosophical Eranos movement, under the chairmanship of Dr. C.G.
Jung, Zurich. During my sojourn in Ascona which lasted several
days, my old friend, Professor Julius Lehmann, an attorney-
at-law, came over who already in 1933 had emigrated from Frankfurt
to Switzerland as he was 100% Jewish. His ^{was} pessimism regarding
the outbreak of war faced by my faith in a peaceful solution.
Professor Lehmann has been residing in the United States for some
years now and he will be able to confirm our conversation along
these lines. Between 12 and 14 August my husband, together with
my daughter Gabriele, called for me there by car, for a trip
to Yugoslavia which had been planned for a long time. We entered
Yugoslavia by way of the Adelsberg Grotto and Susak,

- 2 -

We got as far as Crikvenica, there abandoned the trip to Lubrowink. Raguse because a serious riding accident with which I had met in September 1938 made the trip too strenuous for me. We therefore remained in Bled on the lake, where comfort and quarters were assured. Early in the morning of 27 August my husband received a telegram signed by his colleague Weibel which recalled him to Frankfurt at once, without commentary. On the same day we had been invited to Castle Brdo for lunch, by Prince Regent Paul of Yugoslavia. I hurriedly drove my husband to the railroad station so that he might get to Frankfurt by the shortest route. I myself then packed our luggage. My daughter and I still had lunch in Brdo. I then drove the car, to Klagenfurt across the pass, where we arrived early the following morning. Passing through Chiem Gau (Muehlen, Post Office Bergen II) where I visited my mother on my oldest brothers' farm, leaving my daughter behind, I arrived in Frankfurt on the day before the war broke out. The printing work which I had ordered in July from the firm of Jakob Hombus on our house, 41, Westendstrasse, which meantime had been bombed, was in full swing because it was not until 15 September, the date of our scheduled return from Yugoslavia, that they were expected to be finished. No preparations to put in food supplies had been made by my staff, which had been in my services for a number of years, because of the confident mood in which Herr von Schnitzler and I had set out on our vacation.

signed: Lilly v. Schnitzler

Frankfurt/Main, 8 March 1948.

- 151 -

- 3 -

The above signature of Frau Lilly von Scheitzler, resident at Frankfurt/Main, No. 16 Windmuhlenstrasse, has been appended before me, Dr. Rupprecht von Mueller, which is being certified and to which I bear witness.

Frankfurt/Main, 8 March 1948

signed: Dr.R. v. Mueller
(Dr.R.v.mueller)

- 152 -

CERTIFICATE OF TRANSLATION

9 April 1948

We, John FOSBERRY, No.20179 and George GOODMAN,
No.34789 hereby certify that we are thoroughly
conversant with the English and German languages
and that the above is a true and correct transla-
tion of Document Book I - SCHNITZLER.

John FOSBERRY
No.20179

George GOODMAN
No.34789

Case 6
Defense

DOCUMENT BOOK II

for

Dr. Georg von SCHNITZLER

Submitted to the
Military Tribunal VI
in the case No. VI

by
Dr. Walter SIEMERS
Attorney in Hamburg

Siemens



INDEX

Document Book II
for Dr. Georg von SCHNITZLER

Documents No. 25 - 44, 3 - 5, 200 - 203,
Pages 1 - 91.

Schnitzler Exhibit No.	No.	Contents of Document	Page
<u>War of Aggression, cont'd.</u>			
25		Received as Raeder exhibit No. 19 in the IMT: <u>Report of the Chief of Staff of the U.S. Army George C. Marshall to the Secretary of War, Washington, dated 1-Sept 1945, concerning the lack of "comprehensive strategic overall planning" of the German High Command.</u>	1 - 11
200		Excerpt from the transcript in the <u>Flick trial dated 6 November 1947 concerning the inadmissibility of an affidavit sworn by a defendant.</u> <u>Judge Richman:</u> "In the state of Indiana, the affidavit could not be admitted at all." <u>Presiding Judge:</u> "In the state of New York, it could not be admitted either, because you are bound to bring the witness to the stand."	11 a - e
201		<u>Proclamation of the Control Council No. 2, section 45, concerning the obligation incumbent on all Germans to make depositions before Allied representatives.</u>	11 f - g
26		Record of the <u>interrogation of the "witness" Dr. v. Schnitzler by Mr. Drexel A. Sprecher in Nurnberg, dated 16 February 1947 (excerpt):</u> Mr. Sprecher: "The law concerning refusal to make a true deposition is rather severe with regard to perjurers or persons whose statements are not true." "Certain punishments for perjury may be more severe than those for participation in German militarization."	12 - 27

Schnitzler No.	Exhibit No.	Contents of the Document	Page
202		Excerpt from the judgment of the American Military Tribunal No. 1 in Case No. VIII dated 10 March 1948. By this judgment, affidavits sworn by defendants were excluded from the evidence, because the defendants had been under pressure.	27 a - b
27		Affidavit of Frau Lilly von Schnitzler concerning her arrest by a member of the American occupation power, Mr. Sachs alias Troubotzki, made when Frau Schnitzler was visiting her husband.	28 - 32
28		Affidavit of Willy Ploinas concerning I.G. exports in the field of dyestuffs in 1938 compared to the turnover in Germany: 62.5% export, 37.5% turnover in Germany.	33 - 34
29		Affidavit of Dr. Gustav Kuepper concerning the own reinsurance of I.G. abroad, which was still existing when war broke out.	35 - 37
30		Law concerning Advertising in German Economy (Wirtschaftswerbung) dated 12 September 1933, establishing an advertising board (Werberat)	38 - 41
31		Affidavit of Prof. Dr. Heinrich Hunke, manager and vice president of the Werberat, concerning its tasks	42 - 45
203		Affidavit of Dr. Max Winkler concerning the advertising agency Ala A.G.: no political purpose implied	45 a - b
32		Affidavit of Ferdinand BAERBECKE concerning Schnitzler's position in the German Group of the International Chamber of Commerce, referring to his activities concerning exhibitions and fairs and as chairman of the committee for exhibitions and fairs	46 - 47
5	5	Letter of the Supervisory Office Chemical Industry (Dr. Ungowitter) dated 19 June 1940 to IG, concerning enquires of the Reich Minister about data on international cartels, addressed to 11 German firms.	48 - 51

Schnitzler No.	Exhibit No.	Contents of the Document	Page
3	3	List of 22 executives of the IG branches abroad, compiled by witness <u>Dr. Julius Overhoff</u> ; only 3 of these were party members	52 - 55
4	4	Letter of the NSDAP Organization of Germans Abroad dated 10 Aug 1943 to I.G., attention of Kommerzienrat Weibel, requesting the dismissal of Kurt Flinsch, manager of the <u>Compania de Anilinas Alemanas</u> in Buenos Aires (cf. item 6 of the above mentioned document, exhibit 3), for the reason of Flinsch's <u>negative attitude toward National Socialism</u> and <u>negative answer</u> of Kommerzienrat Weibel dated 13 August 1943	56 - 60
33		Affidavit of <u>Bruno Becht</u> , according to which he did not sign a declaration of loyalty to the party	61 - 62
34		Affidavit of <u>Franz Bilers</u> , according to which he did not sign a declaration of loyalty to the party	63 - 64
35		Affidavit of <u>Dr. Rolf Wagoner</u> , according to which he did not sign a declaration of loyalty to the party	65
36		affidavit of <u>Ernst Osborn</u> , according to which he did not sign a declaration of loyalty to the party	66 - 67
37		affidavit of <u>Albracht Focke</u> , Counter Intelligence Officer in Cologne, concerning the <u>dissatisfaction of the Counter Intelligence agencies with the attitude of I.G.</u> "The name Company for Sales Promotion (Gesellschaft fuer Verkaufsforderung) is not known to me in connection with counter intelligence or with the name von Schnitzler."	68 - 69
38		Affidavit of <u>Karl von Hoeder</u> . <u>Substantive differences of opinion between Schnitzler and the office representative (Betriebsobmann) appointed by the party in the I.G. building in Frankfurt.</u> Agreement between OKW and I.G., according to which the I.G. representatives abroad were not to work for counter intelligence	70 - 72

Schnitzler No.	Exhibit No.	Contents of the Document	Page
39		<p>affidavit of <u>Prof. Dr. Carl Luer</u>, member of the board of directors (Vorstand) of the Dresdner Bank and president of the chamber of commerce in Frankfurt/M.</p> <p>Appointment of von Schnitzker as War Economy Leader (Wirtschaftsfuehrer). This was only the bestowing of a title. Disagreements between the I.G. and Schnitzler on the one hand and Gau Leader Sprenger on the other hand. A request made by the Gau Leader through Bosch and Schnitz to co-opt a new Aufsichtsrat member as an exponent of the Gau Leader was refused.</p>	73 - 75
40		<p>Affidavit of General Georg Thomas concerning <u>Wehrwirtschaftsfuehrer</u> and Schnitzler's attitude towards National Socialism</p>	76 - 77
41		<p>Affidavit of <u>Karl von Heider</u> concerning the tasks of the Commercial Committee (K.A.) of the I.G.</p>	78 - 82
42		<p>Affidavit of <u>Karl von Heider</u> concerning the <u>Salos Combine Chemicals</u>. Schnitzler joined the combine as late as in the beginning of 1941</p>	83 - 85
43		<p>affidavit of <u>Dr. Ernst August Struss</u> concerning Schnitzler's attendance at <u>Taa</u> (technical committee) meetings</p>	86
44		<p><u>"The discussions of German and English industrialists" in March 1939,</u></p> <p>Excerpt from "Stahl und Eisen" (Steel and iron), economic review, containing a joint declaration of the Reich Group Industry and the Federation of British Industries</p>	87 - 91

Document Book II SCHWITZLER
SCHWITZLER Document No. 25
Exhibit No.

Reader No. 19.

Statement of Dr. SIMMERS, Attorney :

I hereby certify that the attached excerpt from the

Biennial Report of
THE CHIEF OF STATE OF THE UNITED STATES ARMY
July 1, 1943, to June 30, 1945
TO THE SECRETARY OF WAR
(pages 1 - 2)

is a true copy.

Nuernberg, 15 March 1948

(Dr. W. SIMMERS)

Schnitzler Dok. Nr. 25

Exhibit Nr.

Raeder Nr. 19

Biennial Report of
THE CHIEF OF STAFF OF THE UNITED STATES ARMY
JULY 1, 1943, to JUNE 30, 1945
TO THE SECRETARY OF WAR

Introduction

Dear Mr. Secretary:

For the first time since assuming this office six years ago, it is possible for me to report that the security of the United States of America is entirely in our own hands. Since my last formal report to you on the state of the Army, our forces in Europe, air and ground, have contributed mightily to the complete destruction of the Axis enemy. In the Pacific, Japan has been compelled to sue for an end to the war which she treacherously started. For two years the victorious advance of the United States sea, air and land forces, together with those of our allies was virtually unchecked. They controlled the skies and the seas and no army could successfully oppose them. Behind these forces was the output of American farms and factories, exceeding any similar effort of man, so that the peoples everywhere with whom we were joined in the fight for decency and justice were able to reinforce their efforts through the aid of American ships, munitions and supplies.

Never was the strength of the American democracy so evident nor has it ever been so clearly within our power to give definite guidance for our course into the future of the human race. And never, it seems to me, has it been so imperative that we give thorough and practical consideration to the development of a means to provide a reasonable guarantee for future generations against the horrors and colossal waste of war as well as security for that freedom we recently left to the hazard of mere hope or chance.

The Nation is just emerging from one of its gravest crises. This generation of Americans can still remember the black days of 1942 when the Japanese conquered all of Malaysia, occupied Burma, and threatened India while the German armies approached the Volga and the Suez. In those hours Germany and Japan came so close to complete domination of the world that we do not yet realize how thin the thread of Allied survival had been stretched.

In good conscience this Nation can take little credit for its part in staving off disaster in those critical days. It is certain that the refusal of the British and Russian peoples to accept what appeared to be inevitable defeat was the great factor in the salvage of our civilization. Of almost equal importance was the failure of the enemy to make the most of the situation. In order to establish for the historical record where and how Germany and Japan failed I asked General Eisenhower to have his intelligence officers promptly interrogate the ranking members of the German High Command who are now

our prisoners of war. The results of these interviews are of remarkable interest. They give a picture of dissension among the enemy nations and lack of long-range planning that may well have been decisive factors of this world struggle at its most critical moments.

As evaluated by the War Department General Staff, the interrogation of the captured German commanders disclose the following:

The available evidence shows that Hitler's original intent was to create, by absorption of Germanic peoples in the areas, contiguous to Germany and by the strengthening of her new frontiers, a greater Reich which would dominate Europe. To this end Hitler pursued a policy of opportunism which achieved the occupation of the Rhineland, Austria, and Czechoslovakia without military opposition.

No evidence has yet been found that the German High Command had any over-all strategic plan. Although the High Command approved Hitler's policies in principle, his impetuous strategy outran German military capacities and ultimately led to Germany's defeat. The history of the German High Command from 1938 on is one of constant conflict of personalities in which military judgement was increasingly subordinated to Hitler's personal dictates. The first clash occurred in 1938 and resulted in the removal of Blomberg, von Fritsch, and Bock and of the last effective conservative, conservative influence on German foreign policy.

The campaigns in Poland, Norway, France, and the Low Countries developed serious diversions between Hitler and the General Staff as to the details of execution of strategic plans. In each case the General Staff favored the orthodox offensive, Hitler an unorthodox attack with objectives deep in enemy territory. In each case Hitler's views prevailed and the astounding success of each succeeding campaign raised Hitler's military prestige to the point where his opinions were no longer challenged. His military self-confidence became unassailable after the victory in France, and he began to disparage substantially the ideas of his generals even in the presence of junior officers. Thus no General Staff objection was expressed when Hitler made the fatal decision to invade Soviet Russia.

When Italy entered the war Mussolini's strategic aims contemplated the expansion of his empire under the cloak of German military success. Field Marshal Keitel reveals that Italy's declaration of war was contrary to her agreement with Germany. Both Keitel and Jodl agree that it was undesired. From the very beginning Italy was a burden on the German war potential. Dependent upon Germany and German-occupied territories for oil and coal Italy was a constant source of economic attrition. Mussolini's unilateral action in attacking Greece and Egypt forced the Germans into the Balkan and African campaigns, resulting in over-extension of the German armies which subsequently became one of the principal factors in Germany's defeat.

Nor is there evidence of close strategic coordination between Germany and Japan. The German General Staff recognized that Japan was bound by the neutrality pact with Russia but hoped that the Japanese would tie down strong British and American land, sea, and air forces in the Far East.

In the absence of any evidence so far to the contrary, it is believed that Japan also acted unilaterally and not in accordance with a unified strategic plan.

Here were three criminal nations eager for loot and seeking greedily to advance their own self-interest by war, yet unable to agree on a strategic over-all plan for accomplishing a common objective.

.....

Washington, D. C. Sept. 1945.

Reader No. 19

Biennial Report of
THE CHIEF OF STATE OF THE UNITED STATES ARMY
JULY 1, 1943, to JUNE 30, 1945
TO THE SECRETARY OF WAR

Washington, 1 September 1945.

Introduction.

Dear Mr. Secretary:

For the first time since assuming this office six years ago, it is possible for me to report that the security of the United States of America is entirely in our own hands. Since my last formal report to you on the state of the Army, our forces in Europe, air and ground, have contributed mightily to the complete destruction of the Axis enemy. In the Pacific, Japan has been compelled to sue for an end to the war which she treacherously started. For two years the victorious advance of the United States sea, air and land forces, together with those of our allies was virtually unchecked. They controlled the skies and the seas and no army could successfully oppose them. Behind these forces was the output of American farms and factories, exceeding any similar effort of man, so that the peoples everywhere with whom we were joined in the fight for democracy and justice were able to reinforce their efforts through the aid of American ships, munitions and supplies.

- 2 -

Never was the strength of the American democracy so evident nor has it ever been so clearly within our power to give definite guidance for our course into the future of the human race. And never, it seems to me, has it been so imperative that we give thorough and practical consideration to the development of a means to provide a reasonable guarantee for future generations against the horrors and colossal waste of war as well as security for that freedom we recently left to the hazard of mere hope or chance.

The Nation is just emerging from one of its gravest crises. This generation of Americans can still remember the black days of 1942 when the Japanese conquered all of Malaysia, occupied Burma, and threatened India while the German armies approached the Volga and the Suez. In those hours Germany and Japan came so close to complete domination of the world that we do not yet realize how thin the thread of Allied survival had been stretched.

In good conscience this Nation can take little credit for its part in staying off disaster in those critical days. It is certain that the refusal of the British and Russian peoples to accept what appeared to be inevitable defeat was the great factor in the salvage of our civilization. Of almost equal importance was the failure of the enemy to make the most of the situation. In order to establish for the historical record where and how Germany and Japan failed I asked General Eisenhower to have his intelligence officers promptly interrogate the ranking members of the German High Command who are now

- 8 -

- 3 -

our prisoners of war. The results of these interviews are of remarkable interest. They give a picture of dissension among the enemy nations and lack of long-range planning that may well have been decisive factors of this world struggle at its most critical moments.

As evaluated by the War Department General Staff, the interrogation of the captured German commanders disclose the following:

The available evidence shows that Hitler's original intent was to create, by absorption of Germanic peoples in the areas, contiguous to Germany and by the strengthening of her new frontiers, a greater Reich which would dominate Europe. To this end Hitler pursued a policy of opportunism which achieved the occupation of the Rhine-land, Austria, and Czechoslovakia without military opposition.

No evidence had yet been found that the German High Command had any over-all strategic plan. Although the High Command approved Hitler's policies in principle, his impetuous strategy outran German military capabilities and ultimately led to Germany's defeat. The history of the German High Command from 1938 on is one of constant conflict of personalities in which military judgment was increasingly subordinated to Hitler's personal dictates. The first clash occurred in 1938 and resulted in the removal of Blomberg, von Fritsche, and Bock and of the last effective conservative, . . . influence on German foreign policy

- 9 -

- 4 -

The campaigns in Poland, Norway, France, and the Low Countries developed serious diversions between Hitler and the General Staff as to the details of execution of strategic plans. In each case the General Staff favored the orthodox offensive, Hitler an unorthodox attack with objectives deep in enemy territory. In each case Hitler's views prevailed and the astounding success of each succeeding campaign raised Hitler's military prestige to the point where his opinions were no longer challenged. His military self-confidence became unassailable after the victory in France, and he began to disparage substantially the ideas of his generals even in the presence of junior officers. Thus no General Staff objection was expressed when Hitler made the fatal decision to invade Soviet Russia.

When Italy entered the war Mussolini's strategic aims contemplated the expansion of his empire under the cloak of German military success. Field Marshal Keitel reveals that Italy's declaration of war was contrary to her agreement with Germany. Both Keitel and Jodl agree that it was undesired. From the very beginning Italy was a burden on the German war potential. Dependent upon Germany and German-occupied territories for oil and coal Italy was a constant source of economic attrition. Mussolini's unilateral action in attacking Greece and Egypt forced the Germans into the Balkan and African campaigns, resulting in over-extension of the German armies which subsequently became one of the principal factors in Germany's defeat.

- 5 -

Nor is there evidence of close strategic coordination between Germany and Japan. The German General Staff recognized that Japan was bound by the neutrality pact with Russia but hoped that the Japanese would tie down strong British and American land, sea, and air forces in the Far East.

In the absence of any evidence so far to the contrary, it is believed that Japan also acted unilaterally and not in accordance with a unified strategic plan.

Here were three criminal nations eager for loot and seeking greedily to advance their own self-interest by war, yet unable to agree on a strategic over-all plan for accomplishing a common objective.

.....

Washington, 1 September 1945.

- 11 -

Document Book II SCHNITZLER
SCHNITZLER Document No. 200
Exhibit No.

I, Dr. Walter SIEMERS, attorney in Hamburg, at present
Defense Counsel at the American Military Tribunal Nurnberg,
heroby certify that the attached excerpt from the

transcript

of

the Military Tribunal No. IV/Case No. V
Nurnberg, Germany, dated 6 November 1947,
hearing from 0930 to 1230 hrs.

is a true copy.

Nurnberg, 22 March 1948

(Dr. SIEMERS)

Excerpt from:

Official Transcript of the American Military Tribunal IV in the Matter of the United States of America against Friedrich FLICK et al, Defendants, sitting at Nurnberg, Germany, on 6 November 1947, 0930 hours, Justice Sears presiding.

Page 10074 - 10075:

.....

The President: Let's see, you produced Flick as a witness, did you not or did he go on first in his own defense?

Mr. LYON: He went on first in his own defense, your Honor.

The President: Weren't there any affidavits of Flick?

Mr. LYON: Yes, your Honor.

The President: Then you produced him as a witness.

Mr. LYON: I am not entirely sure I understand the implications in your statement, your Honor.

The President: Well, when you produce an affidavit it is the same as though you call a man to the witness stand.

Mr. LYON: With respect to defendants I had always assumed that it was a form of admission, your Honor.

The President: Those weren't admissions. Of course, if they were admissions, casually, in a conversation, yes, but not when you introduce an affidavit. It could be a confession but a confession has to be under certain formalities and you can't show an admission by an affidavit of the admitting party obtained by the prosecution.

- 2 -

In the State of New York he would be clearly a witness. I know there are some divergent rulings on the matter.

Judge RICHMAN: In the State of Indiana the affidavit wouldn't be admissible at all.

The President: No, it wouldn't be admissible at all in the State of New York either, because you have to produce the witnesses.

Judge RICHMAN: In the State of Indiana this interrogation would not have been permitted either.

Mr. LYON: Your Honor, I am not quite clear whether a question is being put to me - -

The President: Well, as to what the purport of these matters are?

Mr. LYON: Well, I can explain them one by one, your Honor, if the Court desires.

The President: All right.

Mr. LYON: I had considered the possibility of offering the entire books en bloc, but I take it the defense would not be amenable to that.

Judge RICHMAN: The Court wouldn't either.

.....

Auszug aus:

Official Transcript of the American Military Tribunal IV in the Matter of the United States of America against Friedrich Flick et al, Defendants, sitting at Nurnberg, Germany, on 6 November 1947, 0930 hours, Justice Sears presiding.

Seite 10074 - 10075:

.....

THE PRESIDENT: Let's see, you produced Flick as a witness, did you not, or did he go on first in his own defense?

MR. LYON: He went on first in his own defense, your Honor.

THE PRESIDENT: Weren't there any affidavits of Flick?

MR. LYON: Yes, your Honor.

THE PRESIDENT: Then you produced him as a witness.

MR. LYON: I am not entirely sure I understand the implications in your statement, your Honor.

THE PRESIDENT: Well, when you produce an affidavit it is the same as though you call a man to the witness stand.

MR. LYON: With respect to defendants I had always assumed that it was a form of admission, your Honor.

THE PRESIDENT: Those weren't admissions. Of course, if they were admissions, casually, in a conversation, yes, but not when you introduce an affidavit. It could be a confession but a confession has to be under certain formalities and you can't show an admission by an affidavit of the admitting party obtained by the pro-

secution. In the state of New York he would be clearly a witness. I know there are some divergent rulings on the matter.

JUDGE RICHMAN: In the State of Indiana the affidavit wouldn't be admissible at all.

THE PRESIDENT: No, it wouldn't be admissible at all in the State of New York either, because you have to produce the witnesses.

JUDGE RICHMAN: In the State of Indiana this interrogation would not have been permitted either.

MR. LYON: Your Honor, I am not quite clear whether a question is being put to me - -

THE PRESIDENT: Well, as to what the purport of these matters are?

MR. LYON: Well, I can explain them one by one, your Honor, if the Court desires.

THE PRESIDENT: All right.

MR. LYON: I had considered the possibility of offering the entire books en bloc, but I take it the defense would not be agreeable to that.

JUDGE RICHMAN: The Court wouldn't either.

.....

Document Book II SCHNITZLER
SCHNITZLER Document No. 201
Exhibit No.

I, Dr. Walter SIEMERS, attorney in Hamburg, at present
Defense Counsel at the American Tribunal, Nurnberg, certify
herewith that the attached document:

excerpt from:

Proclamation No. 2.

Additional Terms imposed on Germany

is a true copy of the

Gazette
of the Control Council
in
Germany
Issue No. 1
29 October 1945.

- Underlinings have been made by the defense. -

Nurnberg, 20 March 1948

(Dr. SIEMERS)

Proclamation No. 2

Certain Additional Requirements Imposed on Germany.

.....

Section XII

45. Without prejudice to any specific obligations contained in the provisions of the Declaration or any proclamations, orders, ordinances or instructions issued thereunder, the German authorities and any other person in a position to do so will furnish or cause to be furnished all such information and documents of every kind, public and private, as the Allied Representatives may require.

.....

I, Dr. Walter SIEMERS, attorney in Hamburg, at present
defense counsel at the American Military Tribunal in Nurnberg,
heroby certify that the attached document

Record of the interrogation of the defendant
Dr. Georg von SCHNITZLER by Mr. SPASCHER, dated
18 February 1947

is a true copy of the record handed to Dr. von SCHNITZLER by
the prosecution and passed on to me by Dr. von SCHNITZLER.

I add that I submitted this document to the Tribunal once
before, viz. on 2 September 1947 (transcript pages 281 sqq. German
and pages 298 sqq. English), together with my objection, aimed
at a rejection of the affidavits of Dr. SCHNITZLER submitted as
evidence by the prosecution, based on the following reasons:

- a) that the affidavits were not made voluntarily in 1947,
- b) that the affidavits are based on previous affidavits made
in 1945, and
- c) that the affidavits made in 1945 were not made
voluntarily either.

Nurnberg, 5 March 1948

(Dr. SIEMERS)

Exhibit Nr.

INTERROGATION of MR. GEORG von SCHNITZLER by Mr. Drexel A. Sprecher, 18 February 1947, 15.50-17.15, Room 166, Palace of Justice, Nuernberg, Germany.

Also present: Mr. Albert G.D. Levy, Mr. Julius Rudolph, Mr. Zenon de Chetnik; Miss Rita M. Gaylord, Court Reporter.

TO THE WITNESS BY MR. DREXEL A. SPRECHER:

Q Your name is Georg von Schnitzler?

A Yes.

Q Do you understand the meaning of giving testimony under oath?

A Yes.

Q Do you understand that failure to disclose the full truth concerning a subject which you are questioned is as much perjury as deliberately telling a falsehood?

A I know, Sir.

Q The law of the occupying powers concerning failure to tell the truth is very stern to falsifiers. The law concerning the failure to disclose the truth is very stern to perjurers or falsifiers- persons who tell falsehoods.

A Yes.

Q Some penalties for perjury may be graver than those for involvement in German militarisation. Now, there have been some allegations that you and several of the persons with whom you have recently taken counsel have laid aside your scruples concerning the truth in some of your dealings with the

occupation forces and that you have either made understatements or overstatements.

A I ? Personally ...

Q Now, Mr. von Schnitzler ...

A No.

Q When you have believed that your personal position could be improved by such falsifications : further, that you have been quite willing to conceal the truth behind the fine phrases and diplomatic language of a very learned gentleman, and that you, personally, acquired this art through years of negotiations, both in Germany and abroad. The allegations even run to the extent of asserting that you, on occasions, swore falsely or that you have been willing to tell untruths before representatives of the occupying powers. If this is so, I suppose I need not inform you that action will be taken accordingly.

A But I can't understand, Sir. I did my best to tell the truth. I was under a very serious depression at the time. I was very harshly treated. I don't know if you know that. I was treated in the prison as harsh that my knees were opened with bloody holes, because I had to do - to rub the floors. Then I was put under such a hard pressure by some of the interrogators, and under the high depression under which I was with the breakdown of my entire position - of my existence, of everything -- I mixed up many things and things became unclear for me partly -- and I must get back. It was told to me, "You must tell the truth. You know anything. You should know anything. You must know anything." -- and I tried and tried and tried.

Then there was this enormous compound of things and then I mixed up, and I saw situations much more difficult and serious than they in reality were. But it was always my best faith to do everything possible to get to the truth.

Q Now, if original documents should demonstrate that you have given falsehoods or if the testimony of credible witnesses should prove that you intentionally concealed the truth, any punishment meted out to you will account separately for your perjury -- for your falsifications. Perjury, you understand, is the legal word for not telling the truth.

A I said the truth. I said the truth to the best of my knowledge all the time, and that was even testified to me. I have a paper with me from Mr. Duval (Devine), who said that I did all I could, and when I was relieved for a certain time he gave me certificates that my rearrest was not due to any past failure but on general reasons. I did all which was in my power, but I said too much. I am perfectly clear I said too much. But under this terrible depression which I was and under all which was coming over you and which you couldn't disguise any more -- what you heard now and before -- there are things which might be wrong but never intentionally wrong. I always believed to tell the truth.

Q When you say you told too much, it seems rather strange. That is one of the things I am concerned about that perhaps you haven't told enough.

A No, I have told too much, in that sense that the I.G. Farbenindustrie, to a greater extent, engaged in the

so-called Aufrüstung than it really was.

Q Which means rearmament.

A Which means rearmament.

Q Now, it is one of our assignments here to find out these matters and to make appropriate final determinations. You are about to be given full opportunity to answer clearly and not ambiguously.

A No, I will answer clearly to everything, yes.

Q Four simple questions. Now, I will read all four of these questions over to you before asking you to answer one of them, so that you will have before you clearly each of these four questions.

First question: Have you always disclosed the full truth, to the best of your knowledge and belief, to American or Allied representatives during investigations conducted since the un-conditional surrender of Germany?

Second question: Do you intend to disclose the full truth, to the best of your knowledge and belief, to American or Allied representatives from now on?

Third question: Have you stated, written, or subscribed to any falsehoods in connection with the investigation of American or Allied authorities since the unconditional surrender of Germany?

Fourth question: If you have stated or written any untruths in connection with the investigations of American or Allied authorities in the past, will you now declare the nature of these untruths and fully disclose the truth concerning them.

If you now disclose any falsehoods which you have made, such disclosure at the present time may be considered in mitigation of any punishment. If charges of any kind are

later brought against you, you will then be allowed the privilege of having legal counsel, which is the custom of the occupying powers.

A What is legal counsel?

Q An attorney.

A An attorney, yes.

Q A Rechtsanwalt. Until such charges are brought or unless such charges are brought, occupation procedure as applied here gives you no right to counsel.

Furthermore, under occupational law, after the cessation of hostilities, you as a citizen of the occupied country are required to cooperate with the occupying authorities according to proper requirements demanded of you. Now you will first be sworn and then I will put the questions to you.

A Yes.

Q Will you stand.

(Witness stands)

Will you say, "I", and then repeat your name.

A I, Georg von Schnitzler

Q Hereby swear that I will tell the truth, the full truth and nothing but the truth, so help me God.

(Witness repeats the oath)

You may sit down.

A I will repeat the first question to you: Have you always disclosed the full truth, to the best of your knowledge and belief, to American or Allied representatives during investigations conducted since the unconditional surrender of Germany?

A So I did, Sir.

Q Second question: Do you intend to disclose the full truth, to the best of your knowledge and belief, to

American or Allied representatives from now on?

A Yes.

Q Third question: Have you stated or written or subscribed to any falsehoods in connection with the investigations of American or Allied representatives since the unconditional surrender of Germany?

A No, Sir. I haven't done that; but I can repeat what I said before that and that is very heavily pending over me that under the depression under which I was, I described to Mr. Ritchin, Mr. Devine, and to Mr. Weissbrodt, certain cases in the light too unfavorable for my company. If you will do me a favor that we can go over these points because I had in the meantime the time to think that over and over again, that we can discuss the matters in detail.

Q Now, I want to repeat this question and I will add one word, which I think will account for which you just said, namely, the word "intentionally". Have you stated, written or subscribed to any falsehoods intentionally in connection with the investigations of American or Allied representatives since the unconditional surrender in Germany?

A No. I always tried to say the full truth.

Q The fourth question: (In view of what you have just said, it is perhaps unnecessary, but I will put it to you just the same). If you have stated or written any untruths intentionally in connection with the investigations of American or Allied representatives on the past, will you now declare the nature of these untruths and fully disclose the truths concerning them.

- 7 -

△ Yes, I will do that. That means I will go over with
you, if you ^{give}/me the possibility, the points in which I
was erroneous. You must excuse my English, Sir.
Eventually, I make faults. I have not much practice in
English and forgotten a lot apart from that.

.....

Interrogation of Mr. Georg von SCHMITZLER
by Mr. Draxel A. Sprecher
18 February 1947, 15.50 - 17.15,
Room 166, Palace of Justice,
Nuernberg, Germany.

Also present: Mr. Albert G.D. Levy,
Mr. Julius Rudolph, Mr. Zenon de
Chetnik, Miss Rita M. Gaylord,
Court Reporter.

TO THE WITNESS By Mr. DREXEL A. SPRICHER:

Q.: Your name is Georg von SCHMITZLER ?

A.: Yes.

Q.: Do you understand the meaning of giving testimony
under oath ?

A.: Yes.

Q.: Do you understand that failure to disclose the full
truth concerning a subject which you are questioned
is as much perjury as deliberately telling a
falsehood ?

A.: I know, Sir.

Q.: The law of the occupying powers concerning failure
to tell the truth is very stern to falsifiers. The
law concerning the failure to disclose the truth
is very stern to perjurers or falsifiers--persons
who tell falsehoods.

A.: Yes.

Q.: Some penalties for perjury may be graver than those
for involvement in German militarisation.

- 2 -

Now, there have been some allegations that you and several of the persons with whom you have recently taken counsel have laid aside your scruples concerning the truth in some of your dealings with the occupation forces and that you have either made understatements or overstatements.

A.: I ? Personally

Q.: Now, Mr. von SCHNITZLER

A.: No.

Q.: When you have believed that your personal position could be improved by such falsifications: further, that you have been quite willing to conceal the truth behind the fine phrases and diplomatic languages of a very learned gentleman, and that you, personally, acquired this art through years of negotiations, both in Germany and abroad. The allegations even run to the extent of asserting that you, on occasions, swore falsely or that you have been willing to tell untruths before representatives of the occupying powers. If this is so, I suppose I need not inform you that action will be taken accordingly.

A.: But I can't understand, Sir. I did my best to tell the truth. I was very harshly treated. I don't know if you know that. I was treated in the prison as harsh that,

- 3 -

my knees were opened with bloody holes, because I had to do - to rub the floors, Then I was put under such a hard pressure by some of the interrogators, and under the high depression under which I was with the breakdown of my entire position - of my existence, of everything - I mixed up many things and things became unclear for me partly - - and I must get back. It was told to me, "You must tell the truth. You know anything. You should know anything, You must know anything," - and I tried and tried and tried. Then there was this enormous compound of things and then I mixed up, and I saw situations much more difficult and serious than they in reality were. But it was always my best faith to do everything possible to get to the truth.

Q.: Now, if original documents should demonstrate that you have given falsehoods or if the testimony of credible witnesses should prove that you intentionally concealed the truth, any punishment meted out to you will account separately for your perjury - for your falsifications. Perjury, you understand, is the legal word for not telling the truth.

A.: I said the truth. I said the truth to the best of my knowledge all the time, and that was even testified to me. I have a paper with me from Mr. Duval (Devino), who said that I did all I could,

- 4 -

and when I was relieved for a certain time he gave me certificates that my re-arrest was not due to any past failure but on general reasons. I did all which was in my power, but I said too much. I am perfectly clear I said too much. But under this terrible depression which I was and under all which was coming over you and which you couldn't disguise any more — what you heard now and before — there are things which might be wrong but never intentionally wrong. I always believed to tell the truth.

Q.: When you say you told too much, it seems rather strange. That is one of the things I am concerned about that perhaps you haven't told enough.

A.: No, I have told too much, in that sense that the I.G. Farbenindustrie, to a greater extent, engaged in the so-called Aufrüstung than it really was.

Q.: Which means rearmament.

A.: Which means rearmament.

Q.: Now, it is one of our assignments here, to find out these matters and to make appropriate final determinations. You are about to be given full opportunity to answer clearly and not ambiguously.

A.: No, I will answer clearly to everything, yes.

Q.: Four simple questions. Now, I will read all four of these questions over to you before asking

- 23 -

- 5 -

you to answer one of them, so that you will have before you clearly each of these four questions.

First question: Have you always disclosed the full truth, to the best of your knowledge and belief, to American or Allied representatives during investigations conducted since the un-conditional surrender of Germany?

Second question: Do you intend to disclose the full truth, to the best of your knowledge and belief, to American or Allied representatives from now on?

Third question: Have you stated, written, or subscribed to any falsehoods in connection with the investigation of American or Allied authorities since the unconditional surrender of Germany?

Forth question: If you have stated or written any untruths in connection with the investigations of American or Allied authorities in the past, will you now declare the nature of these untruths and fully disclose the truth concerning them.

If you now disclose any falsehoods which you have made, such disclosure at the present time may be considered in mitigation of any punishment. If charges of any kind are later brought against you, you will then be allowed the privilege of having legal counsel.

- 6 -

which is the custom of the occupying powers.

A.: What is legal counsel ?

Q.: An attorney.

A.: An attorney, yes.

Q.: A Rechtsanwalt. Until such charges are brought or unless such charges are brought, occupation procedure as applied here gives you no right to counsel. Furthermore, under occupational law, after the cessation of hostilities, you as a citizen of the occupied country are required to cooperate with the occupying authorities according to proper requirements demanded of you. Now you will first be sworn and then I will put the question to you.

A.: Yes.

Q.: Will you stand.

(Witness stands)

Will you say, "I", and then repeat your name.

A.: I, Georg von SCHWITZLER.

Q.: Heroby swear that I will tell the truth, the full truth and nothing but the truth, so help me God.

(Witness repeats the oath)

You may sit down.

I will repeat the first question to you: Have you always disclosed the full truth, to the best of your knowledge and belief, to American or Allied representatives during

- 25 -

- 7 -

investigations conducted since the unconditional
surrender of Germany?

A.: So I did, Sir.

Q.: Second question: Do you intend to disclose the full truth,
to the best of your knowledge and belief, to
American or Allied representatives from now on ?

A.: Yes.

Q.: Third question: Have you stated or written or suscribed
to any falsehoods in connection with the investigations
of American or Allied representatives since the un-
conditional surrender of Germany ?

A.: No, Sir, I haven't done that; but I can repeat what I
said before that and that is very heavily pending over
me that under the depression under which I was, I
described to Mr. Ritchin, Mr. Devino, and to Mr.
Weissbrodt, certain cases in the light too unfavorable
for my company. If you will do me a favor that we can
go over these points because I had in the meantime the
time to think that over and over again, that we can
discuss the matters in detail.

Q.: Now, I want to repeat this question and I will add
one word, which I think will account for which you just
said, namely, the word "intentionally". Have you stated,
written or suscribed to any falsehoods intentionally
in connection with the investigations of American
or Allied representatives since the unconditional
surrender in Germany ?

A.: No. I always tried to say the full truth.

- 26 -

- 8 -

Q.: The fourth question: (In view of what you have just said, it is perhaps unnecessary, but I will put it to you just the same). If you have stated or written any untruths intentionally in connection with the investigations of American or allied representatives on the past, will you now declare the nature of those untruths and fully disclose the truths concerning them.

A.: Yes, I will do that. That means I will go over with you, if you give me the possibility, the points in which I was erroneous. You must excuse my English, Sir. Eventually, I make faults, I have not much practice in English and forgotten a lot apart from that.

.....

Document Book II SCHWITZLER
SCHWITZLER Document No. 202
Exhibit No.

I, Dr. Rupprecht von KELLER, defense counsel at the
American Military Tribunal Nurnberg, hereby certify that the
attached excerpts from the

transcript

of the

Military Tribunal No. I, Case VIII,
Nurnberg, Germany, dated 10 March 1948,
hearing from 0930 to 1230 hrs.

are true copies.

The underlinings have been made by the defense.

Nurnberg, 20 March 1948

Dr. R. v. KELLER
(Dr. R. v. KELLER)

Auszug aus:

Official Transcript of American Military Tribunal I in the matter of the United States of America against Ulrich Greifelt, et al, defendants; sitting at Nurnberg, Germany, on 10 March 1948, 0930-1630, the Honorable Lee Wyatt, presiding.

Seite 5278: -

.....

THE PRESIDENT:

We shall now proceed with the reading of the judgment.

Seite 5279:

.....

During the course of the trial several witnesses, including some defendants, who made affidavits that were offered as evidence by the Prosecution, testified that they were threatened, and that duress of a very improper nature was practiced by an interrogator. The affidavits referred to were excluded from the evidence and have not been considered by the Tribunal.

.....

Lilly von SCHNITZLER (16) Frankfurt/Main 8 March 1948
Windmuehlstr. 16

I, Lilly von SCHNITZLER nee von MALLINCKRODT, wife of Dr. Georg von SCHNITZLER, Frankfurt/Main, Windmuehlstr. 16, hereby make the following statement in lieu of oath:

On Saturday, 16 June 1945, Lt. Gosling, then duty officer, had given me an appointment to call on him in the building Taunus Anlage 6, which is the I.G. Farben office building, in order to hand him a letter for my husband, who had been taken in "automatic custody" by Military Government (Justice and Finance Department, Washington), on 6 May 1945. When entering the building, I passed attorney Dr. KUEPER - a colleague of my husband and legal consultant to the dyestuff department of the I.G. Farbenindustrie, Grunenburg and the interrogator Dr. Sachs, New York; the two men were engaged in conversation. The soldier on guard duty at the entrance complied with my request to go and to call Lt. Gosling, to whom I wanted to hand the letter personally. Mr. Sachs, whom I only know by sight, not otherwise, availed himself of the short moment when I was waiting alone to tell me under his breath to follow him immediately to the adjacent Reichsbank building, as somebody wanted to talk to me there. As I had, a few days ago, applied for a permit to see my husband, I assumed that this concerned the decision on my application, and I followed him immediately. The Reichsbank hall were empty

- 2 -

as the time was 1300 hrs.; only a few soldiers of the T-force and some sergeants were present. Mr. Sachs snarled at me to remain standing by a desk, to which he directed me, and not to move. I was carrying a basket containing a few photos which I intended to have framed, and also the last letter of my husband which I had just received. I felt that he intended something unpleasant. In consequence, I put the letter, of which I did not want to be deprived, into the V of my blouse. This was seen by the soldiers. Upon his return, they apparently reported this incident to Mr. Sachs. In the back part of the hall where the counters are, in other words behind the glass partition, I was then forced to strip completely, except for my girdle; one of the soldiers put his hand into my girdle, searching for the letter, although I had called the attention of Mr. Sachs to the letter before I stripped. Mr. Sachs only remarked that I had to be silent and to obey orders. After the stripping scene, I was taken into a dark room in the basement of the Reichsbank; only some rubbish and a desk, turned upside-down, were in the room. After a period of about half an hour, some cleaning women appeared, accompanied by a few young soldiers who were kindly and wanted to release me. They said that I had nothing to do in this room and asked who had locked me in. I mentioned the group of soldiers in the empty Reichsbank building. A few minutes afterwards, they returned with one of those soldiers and seemed quite subdued, when the latter, using his butt to spur me on, drove

- 3 -

me through the corridors and over the stairs back to the upper hall where the counters are. Thereupon, I was taken into a removal van, accompanied by Mr. Sachs, Sergeant Purcolles and the Sergeant mentioned above. I was taken to the state jail Froungshelm, where my husband and his colleagues had been staying for some weeks. It was ascertained that no cell was free, whereupon I was taken to the women's jail in Klapperfeld. On the way it became clear to me that Mr. Sachs, who did not give me any explanation, intended to have me detained in prison. I entreated him, Sergeant Purcolles and the other sergeant to tell me what was the reason for my arrest, and to give me permission to give word of my arrest to the governess of my children, who had been in my family for 20 years and shared my small emergency apartment. Upon this request, Mr. Sachs shouted at me and said that I would remain in prison as long as my husband, if I dared to speak another word. Upon our arrival in the Klapperfeld jail, Mr. Sachs selected a cell himself and instructed the warder, Frau Lauer, to apply prison regulations very strictly - no books, no note paper. I then asked for a bible which was granted to me reluctantly. At 1600 hrs., my cell was locked. Shortly before 2000 hrs, the police officer of CIC dealing with the processing of new arrivals, Major Rapheelli, came to my cell in order to enquire whether I was all right, and to ask me for an exact description of my arrest and for the reason for my detention. When I described the incident to him in the same way as I have described it above, he said with regard to Mr. Sachs:

- 30 -

- 4 -

"This man is no American, I apologize for the American Army."
I replied that I did not know Mr. Sachs personally, but that I knew that he was representing the Justice and Finance Department, Washington, in the Investigation Commission dealing with I.G. Farben, and that he was a Russian and a Jew. The Major replied smiling that he was a Jew himself, though of Portuguese descent. Thereupon, I stated that both Herr von SCHNITZLER and I had had many Jewish friends in the past and had still Jewish friends at present and that I had never had any racial bias. Major Raphaeli stated that I would be released on Monday next, in other words after 2 days, he called the prison doctor in on my behalf and promised me all comforts available. All this was very important in my position, because I was suffering from a serious prison psychosis and because I started to develop heart and bilious trouble. The very humane treatment granted me both by Major Raphaeli and the female prison staff of the old school helped me to endure the days until June 21st fairly well. On Monday, June 18th, Mr. Sachs- who then told me that his name was Troubotzkoj- came together with Sergeant Purcellos in order to interrogate me; it was obvious that his main aim was to ascertain my state of health and to intimidate me, further as all the questions he asked me had already ^{been} clarified in two previous interrogations by Dr. Minskoff, which I had attended voluntarily. He revealed the real purpose of this visit to Dr. Kuopper - whose affidavit concerning my arrest is available, too - by the sneering remark: "I want to see Mrs.

- 31 -

- 5 -

von SCHNITZLER in jail, she is already beside her senses." On June 21st, Major Raphaeli returned from a duty trip to Berlin. At 1300 hrs. I was notified of my release. When I left, I saw Major Raphaeli for a moment on the stairs near the exit. He asked me with a kind of smile whether I knew that records concerning me had been kept at the Gestapo, Lindenstrasse; those records were now in American hands and had been instrumental in my release. I thanked him and added that I should rather prefer to remain in his custody than ever to meet Mr. Sachs again, and he concluded the conversation with the remark "If you don't go near him, he will not go near you".

sgd. Lilly von SCHNITZLER

Frankfurt/Main, 8 March 1948

I hereby certify and confirm the above signature of Frau Lilly von SCHNITZLER, a resident of Frankfurt/Main, Windmühlstr.16. The signature has been affixed before me, Dr. Rupprecht v. KELLER.

Frankfurt/Main, 8 March 1948

sgd. Dr. R. v. KELLER
(Dr. R. v. KELLER)

- 32 -

Document Book II SCHNITZER

CERTIFICATE OF TRANSLATION

16 April 1948

I, Ernst SCHAEFER, Civ.No. WFO 20 165, hereby certify
that I am a duly appointed translator for the German and
English languages and that the above is a true and correct
translation of original document.

Ernst SCHAEFER
Civ.No. WFO 20 165

Note of the Defense Counsel Dr. Walter SIEMERS.

From the figures of the enclosed affidavit of
Willy PLEINES, employee of the I.G.Control Office,
Frankfurt/Main, the following ensues numerically:

In 1938 the export of I.G. in the field of dyes
amounted to 62,5% of the entire turnover whereas only
37,5% remained in Germany.

Nuernberg, 11 March 1948

(Dr.Siemers)

Affidavit.

I, Willy PLEINES, residing in Frankfurt/M./-Hochst, Mostatostrasse 37, was first informed that I render myself liable to punishment if I make a false affidavit. I declare in lieu of an oath that my statement corresponds with the truth, and was made in order to be submitted as evidence to the Military Tribunal No. VI at the Palace of Justice, Nuernberg, Germany.

I am an employee of the I.G. Control Office, Frankfurt/M., Mainzerlandstrasse 28. I declare the following:

The documents of the Control Office I.G.Farbenindustrie show that out of the turnover of the I.G.Farbenindustrie in dyes in 1938 of 57,368,613 kg

21,398,464 kg were sold in Germany with gross proceeds amounting to RM 120,814,583.—, whereas

35,972,149 kg were sold for export with gross proceeds amounting to RM 179,184,593.—.

Frankfurt/M., 21 January 1948

signed: Willy Pleinos.

The above signature of Mr. Willy PLEINES, residing in Frankfurt/M.-Hochst, Mostatostrasse 37, affixed in my presence, is certified and witnessed hereby.

Frankfurt/M., 21 January 1948

signed: Henze
Attorney-at-Law.

Affidavit.

I, the undersigned Dr. Gustav KUEPPER, Attorney-at-Law and Notary Public, in Frankfurt/M., Crotzmarstrasse 16, aware of the meaning of an oath declare hereby voluntarily and without coercion in lieu of an oath to my best knowledge and belief the following:

I was chief of the Central Insurance Division of the I.G.Farben-industrie Aktiengesellschaft and manager of their own insurance company ("Pallas" Ltd. Concern Insurance).

The repayment of insurance risks of the plants of the I.G.Farben-industrie Aktiengesellschaft ("I.G.") and of the affiliated companies was regulated before the outbreak of the war as follows:

The I.G. owned 100% of the shares of their own insurance installation, the so-called Pallas Ltd.Concern Insurance. Out of the risks in question, among others, 90% of the fire and explosion insurance, about 35% of the transport and warehouse insurance (which included also the extensive foreign warehouses) were given to Pallas for cover. The remainder was insured with so-called outsiders, mostly German insurance companies. Pallas then took for the risks taken by it a re-insurance for cover which was sold through the great English insurance broker firm Illis in London to numerous foreign, mostly English insurance firms. Thus

-2-

there were the following re-insurance contracts of the Pallas:

1. In the fire insurance:

- a) a re-insurance by portion on the ground of which the mostly English insurance companies took into re-cover 33 1/3% of the insured sums taken over directly by Pallas, therefore 33 1/3% of 90% covered by Pallas = 30% of the entire fire and explosion risks of the I.G.
- b) an excess-of-loss fire and explosion re-insurance on the ground of which the mostly English re-insurance firms had to take over if the sum of damages payable during the period of a year exceeded 250% of the net take-in of premiums by Pallas.

2. In the transport-and warehouse insurance an excess-of-loss warehouse insurance on the ground of which the re-insurance companies had to take over if Pallas had to pay more than RM 300,000.- indemnity in a single case of damage.

These re-insurances were still in existence on 3 September 1939, i.e. at the outbreak of the war. I have never got a directive to take care in time of a substitute for the re-insurance taken in England. The contracts concluded with the English re-insurance companies became invalid only by the outbreak of the war. A considerable percent of risks of the I.G. (e.g. in the fire and explosion insurance according to the amount of damages sometimes far more than 30%) became suddenly practically without cover which particularly during a heavy war production with increased fire and explosion risks

-3-

would lead in case of a great damage to considerable difficulties. Not until after long, difficult negotiations and many months the share of the outsiders, mostly German insurance companies, was increased from 10% to 30% of the fire insurance sums and thus the direct share of the Pallas was diminished from 90% to 70%.

(signed: Dr. Gustav Kuepper
(Dr. Kuopper)
Attorney-at-Law and Notary Public.

Frankfurt a.M., 29 December 1947
Cretzschmarstrasse 16.

The above signature of Dr. Gustav Kuepper, Frankfurt a.M., Cretzschmarstrasse 16, was affixed in my presence which is certified and witnessed by me hereby.

Frankfurt am Main, 29 December 1947

signed: Dr. Walter Bachem
(Assistant Defense Counsel)

I, Dr. Walter SIMERS, Attorney-at-Law in Hamburg, for
the time being Defense Counsel at the American Military
Tribunal Nuernberg, certify hereby that the enclosed excerpt
corresponds verbally with the

Business Advertising Law from 12 September 1933
from the Reichsgesetzblatt Part I, 1933/No.99 from 18 Septem-
ber 1933, Page 625-626.

Nuernberg, 13 January 1948

(Dr. Simers)

Reichsgesetzblatt
1933 Part I

Page 525.

Law about Soliciting in the Economic Field.

of September 12, 1933.

The Reichsgovernment has agreed upon the following law which is herewith promulgated:

Section I.

For the purpose of uniformity and efficiency, the entire public and private solicitation, advertisement, exhibition, fair and promoting business is subject to the supervision of the Reich. The supervision is exercised by the Advertising Council of the German Economy.

Section II.

The members of the Advertising Council are appointed by the Reichminister for Public Enlightenment and Propaganda with the consent of the competent ministers.

The Advertising Council is subject to the supervision of the Reichminister for Public Enlightenment and Propaganda, which is exercised with the consent of the Reichministers in charge of the economic policy.

Section III.

Anyone who is engaged in soliciting in the economic field, has to have a license of the Advertising Council.

The advertising Council can make the granting of the license dependant upon the payment of a tax,

- 2 -

the amount of which will be fixed by a decree of the Reichminister for Public Enlightenment and Propaganda and of the Reichminister of Finances. The license can be made subject to further conditions.

The Advertising Council, in certain cases of personal advertising, can make exception from the requirement of a license.

Section IV.

The Reichminister for Public Enlightenment and Propaganda issues a charter to the Advertising Council with the consent of the Reichminister competent for the economic policy. The Reichminister for Public Enlightenment and Propaganda appoints the president of the Advertising Council and nominates the executives.

Section V.

Nothing in this law shall detract from the jurisdictions of the Foreign Office, the Reich Minister of Economy, the Reich Minister of Food and Agriculture and the Reich Minister of Finance in the fields of economic policy including economic news and information agencies.

Section VI.

The Reich Minister for Public Enlightenment and Propaganda is authorized to issue, after consultation with the Reich Ministers competent in the field of economic policy, regulations carrying out this law.

- 40 -

Document Book II SCHNITZLER
SCHNITZLER Document No. 30
Exhibit No.

- 3 -

Berlin, 12 September 1933.

The Reich Chancellor
ADOLF HITLER.

The Reich Minister for Public Enlightenment and
Propaganda

Dr. GOEBBELS.

- 41 -

Affidavit.

I, Prof. Dr. Heinrich ~~M~~MUNKE, born 8 December 1902, for the time being at the court jail Nuernberg, was informed that I render myself liable to punishment if I make a false affidavit. I declare in lieu of an oath that my statement corresponds with the truth and was made to be submitted as evidence to the Military Tribunal VI at the Palace of Justice, Nuernberg, Germany.

I was manager and permanent deputy of the president of the Advertising Board of German Economy from the end of 1933 until 1939 and president of this corporate body from 1939 until the end of the war.

The Advertising Board of German Economy was created by the Business Advertising Law from 12 September 1933 which charged the board with the supervision and encouragement of advertising (newspaper and poster advertising, fairs and exhibitions). The economic information service remained with the Foreign Office, the political economic competences with the Reich Economy Ministry.

The advertising board got the legal form of a public law corporate body. It was an institution of the German Reich. Its directives were published as proclamations, rules and decisions. The responsibility was with the president of the advertising board.

-2-

The ministries were represented in an administrative board; the State Secretary of the Ministry for Volksaufklaerung and Propaganda was chairman of this board. The Reich Minister for Volksaufklaerung and Propaganda supervised the advertising board in agreement with the Reich Ministers competent for the economic policy.

In order to keep a closer contact with business life, members of the advertising board were appointed by the Reich Minister for Volksaufklaerung and Propaganda, in agreement with the competent resort ministries, from the circles of the advertising business and other advertising agencies (Publishers of newspapers and periodicals, poster agencies, fair corporations). With these members of the advertising board ^{with} or some of them individually, wishes and conceptions of the economy, as regards a new regulation of advertising, and current problems were discussed. They had nothing to do with the administration of the advertising board. During the war the committees of the advertising board hardly ever met.

The tasks and agencies of the advertising board were financed by a special tax fixed by a law, of 2% of advertising expenses for ads, posters, fairs and exhibitions. The tasks of the advertising board were as follows: Removal of inconveniences in the advertising business which were recognized as such and fought for a long time, organization and execution of joint advertising in connection with business and advertising groups, of German products for export purposes. The advertising board set itself a task to encourage the private initiative of the businessman and to

-43-

-3-

support it. The elimination of unfair competition and unclean advertising methods brought close collaboration with associations of other countries, especially with associations of advertisers in England, U.S.A., Sweden, France, and resulted in the creation of an international advertising board at the International Chamber of Commerce in Paris. The foreign business-advertising of German products was effected in close contact with foreign fair associations, chambers of commerce and foreign governments.

The advertising board had no political tasks to fulfil: Political and artistic exhibitions did not fall under the business-advertising law. The Foreign Office and the Propaganda Ministry had prohibited any political propaganda by the advertising board.

On behalf of the I.G. Farben Messrs. Gattineau, Mann and Schnitzler were members of the advertising board of German economy. They were appointed very early because their collaboration was without doubt appreciated very much for their professional knowledge. I know that Mr. SCHNITZLER became a member of the advertising board as chairman of the fair and exhibition committee of the German economy which was located at the Reich group Industry. Mr. Mann was a specialist in the field of medicine advertising and market research.

I read carefully this affidavit consisting of three pages,

-44-

-4-

and signed it. I made and initialed the necessary corrections.

I declare hereby under oath that the facts stated by me in this affidavit correspond with the full truth according to my best knowledge and belief.

Nuernberg, 7 November 1947

signed: Heinrich ~~M~~unko.

The above signature of Prof. Dr. Heinrich ~~M~~unko is certified by me, Dr. Helmut Duerr, assistant defense counsel of defendant Gattineau.

Nuernberg, 7 November 1947

signed: Dr. Helmut Duerr.

-45-

Affidavit.

I know the meaning of an affidavit and that it is punishable to make a false affidavit. I declare in lieu of an oath the following:

I was economic trustee (Wirtschaftstreuhänder) of Reich Governments since 1920. When asked by State Secretary Funk on 6 March 1933 whether I am prepared to continue my work also for Hitler's government I agreed to work for Hitler's government, too, after I had clarified at first my opposition activity. By order of the Reich Propaganda Ministry (Goebbels, Funk) I discussed with the Hugenberg concern in about April-May 1934 the purchase of Ala, Anzeigen Aktiengesellschaft, and of the Auslandverlag which published export periodicals. Hugenberg was ready to sell since both enterprises had had a strong decrease in business and needed contributions. After conclusion of the purchase contracts, the particulars of which I am unable to give any more, I managed both firms as a trustee. Some time later it was decided that for the same price as had been paid the Ala Anzeigen A.G. was to be sold to the Eherverlag, and the Auslandverlag Ltd. to the Advertising Board of German Economy. This was done. During the transfer I took for some time some slight interest, on the request of the Eherverlag manager Amann, in the normal conduct of the business by the management. I also participated 2-3 times in meetings of the Aufsichtsrat of the Ala A.G. without being a member of the Aufsichtsrat of the Ala. Thus so far as I remember members of the Aufsichtsrat of the Ala were: Dr. Honkol, Duesseldorf, as representative of Honkol-Persil, Dr. von Schnitzler, Frankfurt a. Main, for the I.G. Farben, a representative of the Cigarette Factory Haus Neuerburg, von Halen as representative of the Ruhr Industry, Baron von Uexkuoll (Allianz) for the insurance, the former Reich

-2-

Manager of the Reich Association of German Industry Dr. Herlo
(later on deputy chairman and chairman of the Aufsichtsrat)
and as Amann's special confidence man the owner of the printing
firm Mueller & Sohn, Munich-Berlin, Adolf Mueller, Munich (at
first as chairman).

The Aufsichtsrat meetings dealt with normal routine business-
problems and particularly with the development of the business
organization for an adequate improvement of advertising business
for the home country and export.

I do not know that the Ala A.G. dealt with political tasks of
any kind. Also after I had left Ala in about 1937 or 1938 I
never heard that the Ala left its strict business base.

Nuernberg, 23 January 1948

signed: Max Hinkler.

The above signature of Dr. Max HINKLER, affixed in my
Dr. Rupprecht von Koller's presence, is hereby certified
and witnessed by me.

Nuernberg, 23 January 1948

signed: Dr. R. v. Koller
(Dr. R. v. Koller)

-45b-

Affidavit.

I, Dr. Ferdinand HAERBECKE, residing in Goslar (Harz) Forststrasse, was at first informed that I render myself liable to punishment if I make a false affidavit. I declare in lieu of an oath that my statement corresponds with the truth and was made to be submitted as evidence to the Military Tribunal No.VI at the Palace of Justice, Nuernberg, Germany.

I have been manager of the German Group of the International Chamber of Commerce from its establishment in 1925 until today. I have known Mr. Georg von SCHNITZLER for a number of years because he was a member of the German Group of the International Chamber of Commerce. He was delegated to its praesidium as representative of the Reich Association of German Industry; this was to my recollection in 1932. Since Mr. von SCHNITZLER had special experiences in the field of exhibitions and fairs, particularly also of international exhibitions and fairs, he was elected chairman of the Committee on Fairs and Exhibitions at the International Chamber of Commerce in Paris. I know very well that in this capacity when dealing with problems he was always guided by the rules of the International Chamber of Commerce which were the following:

"To secure effective and consistent action both in improving the conditions of business between nations and in applying solutions for international economic problems;

To encourage intercourse and better understanding between business men and business organizations of the various countries;

And thereby to promote peace and cordial relations among nations."

-2-

According to the behavior of Mr. von Schnitzler I cannot imagine that he knew about the prospective war and allegedly participated in its preparation. Also, I never could establish during the long years of my activities that he acted for National Socialism I rather observed often the contrary. Also in his capacity of a member of the Commercial Court of Arbitration of the International Chamber of Commerce Mr. von Schnitzler was guided exclusively by the aim of a loyal, international economic collaboration.

signed: Dr. Ferdinand Haerocke

Goslar, 24 January 1948.

No. 84 of the document roster for 1948.

The above signature of Dr. F. Haerocke residing in Goslar(Harz) Forststrasse, affixed in my presence, is hereby certified and witnessed by me.

Goslar, 24 January 1948

(stamp) signed: Dr. Walter Hoerstel

Notary Public.

Costs:

Value: RM 3000.-	
Fee Art. 39	RM 4.-
Turnover tax	" - .12
	<u>RM 4.12</u>

Notary public:
signed: Hoerstel.

-47-

I, Dr. Walter SIEMERS, Attorney-at-Law in Hamburg,
for the time being Defense Counsel at the American Military
Tribunal in Nuernberg, certify heroby that

the documents No. NI - 6841

were copied literally from a copy which was put at my
disposal by the prosecution.

Nuernberg, 4 February 1948

(Dr. Siemers)

CERTIFICATE OF TRANSLATION

16 April 1948.

I, Stanislaw S. FELDMAN, ETO 1043, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the original document.

Stanislaw S. FELDMAN
ETO 1043.

19 June 1940

Firm

I.G. Farbenindustrie A.G.

c/o Director HEIDER

Frankfurt/Main 20

Very urgent !

E/S
100

Chemical Industry in

France, Belgium/Luxembourg, Switzerland, Netherlands, Denmark,
Norway, Sweden, Finland and Hungary.

Dear Director HEIDER -

- I. Due to a special order of the Reich Minister of Economy, surveys on the international "interlocking cartels", (Kartellverflechtungen) conventions and agreements between the German industry and the industries and the above-mentioned countries are to be transmitted very shortly, along with the verbatim text of the agreements. Those cartels and convention which have been dissolved or suspended since the outbreak of war are also to be registered.

Information is requested especially on contractual products, members, business management; furthermore, documentary material on conventions between German and foreign agencies, also agreements between individual firms as to price, quantity etc.

- 2 -

Due to the large amount of material, it will be advisable first to give only a summary survey of the contents of these agreements, in telegram style if possible and dealing with the points indicated above. Please do not send the verbatim agreements for the moment.

I should be glad if you would see that these documents pertaining to the conventions etc. known to you are submitted to me by such German members of the convention as were in charge of the matter. I have at the same time contracted the following firms:

C.F. Doehrinser & Soehne GmbH., Mannheim-Waldhof,
C.H. Doehrinser Sohn, Ingelheim/Rhine
Ryk Guldenwerke A.G., Berlin NW 40,
Chem. Fabrik Joh.A. Denckiser GmbH., Ludwigshafen,
Chem. Fabrik von Heyden A.G., Radoboul-Dresden,
Deutsche Gold - und Silber-Scheid-Anstalt, Frankfurt/Main ,
Knoll A.G., Ludwigshafen,
E. Morck, Darmstadt,
J.D. Riedel - E.de Haen A.G., Berlin-Britz,
Schering A.G. Abteilung Chemie, Berlin W 65.

II. In addition the Reich Minister of Economy wishes a chart of the international "interlocking cartels" in Europe without German participation. I suppose that by reason of your knowledge of the market in the domain of chemistry you are acquainted with some at least of these agreements.

- 50 -

Document Book II SCHMITZLER
SCHMITZLER Document No. 5
Exhibit No.

- 3 -

I would be very much obliged to you if the documents concerning I and II could be sent to me in duplicate as soon as possible after completion, as the period allowed me is extremely short (2 week limit).

Heil HITLER !

Examining Board of the Chemical Industry

The Reich Delegate

(stamp signature) U.G. MITTER

- 51 -

I, Dr. Walter Siemers, Attorney at law at Hamburg, at present defense counsel at the American Military Tribunal Nuremberg, certify herewith that the attached list in which the 22 leading officials of the IG representation in South America, Spain and Portugal are named was compiled by the witness Dr. Julius Oberhoff, who was interrogated on 26 January 1948 before American Military Tribunal No. VI and that according to the transcript, page 5821 German, page 5777 English, these officials were identified and recognized by the witness during his interrogation.

Nuremberg, 11 February 1948.

(Dr. Siemers)

Name	Nationality	Party member	Party office	other offices	IG-liaison official
1. Max Hammers, Chief of the German-Brazilian Alliance-Commercial de Anilinas, Rio de Janeiro, Brazil, in the country since 1912.	German-	-----	-----	unknown	for Brazil
2. Julius Marquardt, Co-manager of the German and Chilean Alliance-Commercial de Anilinas, Rio de Janeiro, Brazil, since about 1933 in South America (Mexico, Chile and Brazil).	German and Chilean	question- able	-----	unknown	-----
3. Bruegmann, Chief of the Compania General de Anilinas, Buenos Aires, since about 1923 in Latin America (Brazil and Argentine). In 1937 Herr Bruegmann left this office on account of illness (deafness) but remained in Argentine. His successors were	German	-----	-----	unknown	for Argentine
4. Alfredo Moll, Chief of the Compania General de Anilinas, chemical department in Buenos Aires. Had always been there.	Argentine	-----	-----	-----	Deputy IG liasc man for Argentina
5. Sprung, Chief of the dyestuff department of the Comapania General de Anilinas in Buenos Aires, since about 1930 in South America, Colombia, Brazil, Argentine.	German	unknown	-----	-----	-----
6. Kurt Flinsch, Co-manager of the Compania General de Anilinas in Buenos Aires, dyestuff and chemical department. Since about 1930 in South America, Brazil, Argentine. In 1937 he was transferred from Sao Paulo, Brazil, to Buenos Aires, Argentine.	German	-----	-----	-----	-----

Name	Nationality	Party member	Party office	other offices	IG-liaison official
7. Herr Fritz Ringeltaube, Chief of the Compania General de Anilinas in Montevideo, Uruguay, chemical department; in South America for about 20 years.	German	---	---	---	---
8. Hans Wilke, Co-manager of the Compania General de Anilinas in Montevideo, Uruguay, dyestuff department. For about 20 years in South America, Argentine and Uruguay.	German	yes	---	---	---
9. Hans Wasitz, Chief of the Compania General de Anilinas in Santiago de Chile. For about 25 years in South America, Peru and Chile.	German	---	---	---	---
10. Dr. Max Taucher, technical manager of the Compania General de Anilinas in Santiago de Chile. For about 25 years in South America, Peru and Chile.	German	---	---	---	---
11. Heinz Theophile, Head-clerk of the Compania General de Anilinas in Santiago de Chile. For about 15 years in Latin America, Argentine and Chile.	German	---	---	---	---
12. Guillermo Corneho, Chief of the Compania General de Anilinas in Lima, Peru. Born in Latin America.	Peruvian	---	---	---	---
13. Dr. Bank, technical manager of the Compania General de Anilinas in Lima. For about 20 years in Latin America.	German	---	---	---	---

Name	Nationality	Party member	Party office	other offices	IG-liaison official
14. Eberhard Weisbach, Chief of the Anilinas Alemanas in Bogota, Colombia. For 30 years in Colombia.	Colombian	-----	-----	-----	-----
15. Theodor Sohm, Chief of the chemical department of the Anilinas Alemanas in Medellin, Col. For about 25 years in Latin America, Chile and Colombia.	Chilean	yes	German Labor Front	-----	-----
16. Alfredo Becker, Chief of the dyestuff department at the Compania Bayer in Carracas, Venezuela. Born in Venezuela.	Venezuelean	-----	-----	-----	-----
17. Hans Martin Fischer, Chief of the Compania General de Anilinas in Mexico. Since about 1920 in the country.	German	-----	-----	Deputy Chairman of the German Board of Commerce Mexico.	yes
18. Kurt Thurmann, Head clerk of the Compania General de Anilinas in Mexico. Since about 1920 in Mexico.	Mexican	-----	-----	-----	-----
19. Heinrich Schumacher, Head clerk of the Compania General de Anilinas in Mexico. Since about 1920 in Mexico.	German	-----	-----	-----	-----
20. Max Schwair, Chief of the Sodanillin ^o Porto, Lissabon. For about 25 years in Spain and Portugal.	German	-----	-----	-----	-----
21. Roeder, Chief of the Sodanil in Lissabon. For about 20 years in Portugal.	German	yes	Chief of Economy Office	-----	-----
22. Fernando Birk, Chief of the Unicolor in Barcelona, Spain. For about 25 years in the country.	?	yes since 1943	-----	Chairmen of the Chamber of Commerce (German)	-----

I, Dr. Walter S i e m e r s , Attorney at law at
Hamburg, at present defense counsel at the American
Military Tribunal in Nuremberg, certify herewith that
the attached

Document No. NI - 6654

has been literally copied from a copy which was put at
my disposal by the prosecution.

Nuremberg, 5 February 1948

(Dr. Sigmars)

Document Book II SCHMITZLER
SCHMITZLER Document No. 4
Exhibit No.

handwritten notes: 136 b. 13.8.43

COPY.

National Socialist German Worker's Party Telephone: 867381

Main Office of the Organization of Germans Abroad.

Foreign Commerce Office. Berlin-Wilmersdorf 1,
Westfaelische Strasse 1
10 August 1943.

Book No. A 4344/3
Reference: Chrs/Sto
J 18 Anilinas Al. Es. As/Monopol SML, Ds,As

I.G. Farbenindustrie
Attention: Herr Kommerzionrat WAIERL

Frankfurt / Main.

Dear Herr Kommerzionrat WAIERL,

During your recent visit to Berlin I already informed you that the latest reports I received about Mr. Flinsch continue to be definitely unfavorable. It is being stated again and again that Mr. Flinsch adopts a negative attitude towards the interests of National Socialist Germany.

Since I am aware that Mr. Flinsch holds a position of special importance in your firm I did not wish to fail to call your attention to the above fact also in writing.

I would also ask you to bring the above matter

Document Book II SCHWITZLER
SCHWITZLER Document No. 4
Exhibit No.

- 2 -

to the notice of the Central Finance Office of the I.G. Farben
industri A.G., Berlin. As you know, Mr. Flinsch is also in
charge of the Monopol SRL, Buenos Aires. I have been
communicating with the above mentioned department in this
connection under the reference FS. Hg./Rh-1/2215.

For your convenience I am enclosing an additional copy.

With kindest regards and

Heil HITLER !

Yours

signed: G. CHRISTIANS

(Antsloiter)

To Herr Director Dr. Frank-Fahle.

- 58 -

- 3 -

IG FARBENINDUSTRIE AKTIENGESELLSCHAFT

Frankfurt a M, 13 August .

National Socialist German Labor Party
Administration of the Organization of Germans Abroad
attention of office chief C. Christians,

Berlin-Wilmersdorf 1
Westfaelische Str. 1

Export Office

Book No. A 4344/3 ref: Chrs/Sto.
Subject: J 18 - Anilines Alcmans, Buenos Aires
Monopol SKL. Buenos Aires.

Dear Herr Christians,

I received your letter dated 10 August and regret it very much that on the basis of the latest news which you have received from Argentine you have cause to raise complaints against Herr Flinsch. This information came as a surprise to me, as I know that Herr Flinsch put himself and his influence fully at the disposal of the German Embassy and that he, as former member of the German Navy cared in an exemplary manner for the German seamen. In particular he used his entire influence for the crew of the war ship Graf Spee, which was scuttled under glorious circumstances, in order to ease their fate. He was a friend and co-worker of the German Naval attaché in Buenos Aires, who on account of the Argentine Government in power at that time had to leave Argentine in January of this year.

- 4 -

After their return to Germany, members of the family of this Naval attaché visited the family of Herr Flinsch in Frankfurt and they spoke about the splendid collaboration between him and Herr Flinsch.

Furthermore, Herr Flinsch used his influence successfully to take up connections with members of our firm in Brazil - after this country had entered the war against us, and after our business manager in Rio de Janeiro had been arrested.

Unfortunately I am not in a position at present to contact Herr Flinsch by telegraph on account of the complaint raised against him. However, you may rest assured that I will utilize the first available opportunity to inform Herr Flinsch of the complaint which had been submitted to you+)

and remain with the best of wishes and

Heil Hitler
your
signed: Waibel

+) in order to remove the difficulties
was sent to Director Dr. Frank-Fahle.

Affidavit

I, Benno Becht, residing Leverkusen-Wissdorf, Karl-Leverkus-Strasse 78, German national, have been warned that I am liable to punishment if I make a false affidavit.

I herewith declare under oath that my statement was made voluntarily and without coercion, that it corresponds with the truth and that it was made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice, Nuremberg, Germany.

In January 1936 I entered the IG Farbenindustrie Aktiengesellschaft Leverkusen as employee and worked in the dyestuffs application department. In 1938 my firm went me abroad to Shanghai to work at the firm Deutsche-Farben-Handelsgesellschaft Weibel & Co., which was the representative of the IG Farbenindustrie. Neither prior to my departure nor later was a statement submitted to me which could have been considered as declaration of loyalty towards National Socialism. As a matter of fact I never signed any declaration to that effect. Neither did my superiors issue any orders or directives to me in connection with the political attitude I was to adopt at my new place of work. I state expressly that I was not a member of the NSDAP nor of any of its formations and that this fact was not detrimental to me as far as my professional career was concerned.

- 2 -

Leverkusen-Wiesdorf,
15 January 1948

signed: Benno Becht
(Benno Becht)

Doc. Role No. 63/1948.

Certificate: I herewith confirm and certify that the above signature of Herr Benno Becht, residing Leverkusen-Wiesdorf, Karl-Leverkus-Strasse 78 was made before me on 15 January 1948.

Opladen, 15 January 1948.

The permanent deputy of the Notary Public
Justizrat Max Heckmann in Opladen.

signed: Dr. Heinrichs
(Dr. Heinrichs)
Assessor

Stamp:
Justizrat Max Heckmann
Notary Public in Opladen.

Affidavit

I, Franz E i l e r s , residing Frankfurt a.M.,
Marbachweg 345, have been warned that I am liable to punish-
ment if I make a false affidavit. I declare under oath that
my statement corresponds with the truth and that it was
made in order to be submitted as evidence to Military
Tribunal No. VI, Palace of Justice, Nuremberg, Germany.

In 1935 I entered the IG Farbenindustrie as employee
and worked in the sales combine chemicals, Frankfurt/Main.
In Spring 1938 this department transferred me as specialist
to the Turkanil, the IG representation in Constantinople.
Neither prior to my departure nor later was a statement
submitted to me for signature which could be considered
as declaration of loyalty towards National Socialism.
Neither did my superiors issue any orders or directives
to me in connection with the political attitude I was to
adopt in Turkey.

On the other hand, I can state that the management
of the sales combine Farben in Frankfurt, on the occasion
of an intrigue started by an fanatical party member against
the second partner of the Turkanil, took the side of the
attacked partner by dismissing this party member.

Frankfurt=Main, 20 January 1948

signed: Eilers

Doc. Book II SCHNITZLER
Schnitzler No. 34
Exh. No.

- 2 -

I herewith certify and confirm the above signature of
Franz E i l e r s , residing Frankfurt/Main, Marbachweg 345,
which was made before me, Attorney at law Helmut Henze.

Frankfurt/Main, 20 January 1948

signed: Henze

Attorney at law.

- 64 -

Affidavit

I, Dr. Rolf ~~W~~ a g e n e r , residing Frankfurt/Main have been warned that I am liable to punishment if I make a false affidavit. I declare under oath that my statement corresponds with the truth and that it was made in order to be submitted as evidence to the Military Tribunal No. VI, Palace of Justice Nuremberg, Germany.

In 1928 I entered the IG Farbenindustrie Aktiengesellschaft Frankfurt/Main as apprentice and after an interval in 1935 as employee. In 1938 I was sent abroad by my firm to British India in order to work at the local representation of the IG Farbenindustrie. Neither prior to my departure nor later was a statement submitted to me for signature which could be considered as declaration of loyalty towards National Socialism. Neither did my superiors issue any orders or directives to me in connection with the political attitude I was to adopt at my new place of work.

Frankfurt/Main, 20 January 1948.

signed: Rolf ~~W~~ agener

I herewith certify and confirm the above signature of Dr. Rolf Magener, residing Frankfurt/Main, which was made before me, Attorney at law Helmuth Henze.

Frankfurt/Main, 20 January 1948.

signed: Henze
Attorney at law.

E. OSBORN

(16) Frankfurt/Main, 19 January 1948
Schleidenstrasse 26

Affidavit

I, Ernst Osborn, residing Frankfurt/Main, Schleidenstrasse 26 have been warned that I am liable to punishment if I make a false affidavit. I declare under oath that my statement corresponds with the truth and that it was made in order to be submitted as evidence to the Military Tribunal Palace of Justice, Nuremberg, Germany.

In 1909 I entered the IG Farbenindustrie Aktiengesellschaft Frankfurt/Main, as employee and worked in the department France. In 1925 I was sent abroad by my firm to Paris.

At the outbreak of the second World War, I left France and returned after the armistice in 1941 in order to work at the firm Sopi, Societe pour l'Importation de Matieres Colorantes et de Produits Chimiques, 41/43 Rue Gallite, Paris, which were the local representatives of the IG Farbenindustrie. Neither prior to my departure nor later was a statement submitted to me which could be considered as declaration of loyalty towards National Socialism. As a matter of fact I never signed any declaration to that effect. Neither did my superiors issue any orders or directives to me in connection with the political attitude I was to adopt at my new place of work.

- 2 -

Frankfurt/Main, 22 January 1948

signed: E. Osborn.

I herewith certify and confirm the above signature of Herr Ernst Osborn, Frankfurt/Main, Schleidenstrasse 26 which was made today before me, Dr. Walter Bachem.

Frankfurt/Main, 22 January 1948

signed: Dr. Walter Bachem

(Assistant Defense Counsel)

CERTIFICATE OF TRANSLATION

15 April 1948

I, S. A. HAMBURGER, Civ. No. ETO 20062, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of original document.

S. A. HAMBURGER
ETO 20062

Affidavit.

I, Albrocht FOCKE, born 4 May 1896 at Torgau, a merchant by profession, at present in the court house jail, Nuernberg, having been duly warned that I render myself liable to punishment in case of a false affidavit, make the following statement in lieu of oath to be submitted to the Military Tribunal in Nuernberg:

As I remember, I approached Herr von SCHNITZLER on one occasion at Frankfurt in 1939, when I was still a counter-intelligence officer at Cologne, with the request for cooperation in a matter of counter-intelligence work. My request was cautiously but coolly turned down. Full of vexation, I then complained to Colonel Bloch in Berlin. The incident petered out.

Later on I saw Herr von SCHNITZLER again in 1944 - I cannot remember the exact date - at a lecture I held before the members of the Vorstand of the I.G.Farbenindustrie A.G. in Heidelberg. My dissatisfaction with the poor cooperation of the I.G.Farbenindustrie with the competent counter-intelligence offices, reported to me by my economy officials in the various counter-intelligence offices, had caused me to hold this lecture. I cannot say that the lecture was a success. Neither could the local economy officials of the counter-intelligence offices report of any success.

The name of "Gesellschaft fuer Verkaufsordnung" in connection with counter-intelligence or in connection with the name of von Schnitzler is unknown to me.

-2-

I have no recollection of any such Gesellschaft whatsoever.
Colonel Bloch has not left me any information in regard to this.

The letter of Lieutenant-Colonel Bloch dated 13 April 1943
(NI-650 Exh. 940) submitted to me is, as far as I know Bloch, a
social gesture typical of him. Such letters were written by
Herr Bloch at the time he left the counter-intelligence branch,
to quite a number of eminent persons in government and business,
especially when official-social connections were involved. I
know of no reason for special gratitude towards Herr von Schnitzler.

Nuernberg, 5 November 1947

(signed) Albrecht Focke

(Albrecht Focke)

The above signature of Herr Albrecht Focke, affixed today before
me, assistant defense counsel Dr. Rupprecht von Koller, is here-
with certified and witnessed by me.

Nuernberg, 5 November 1947

(signed) Dr. Rupprecht v. Koller

Assistant Defense Counsel.

Affidavit.

I, Karl v. HEIDER, Frankfurt/Main, Grillparzerstr. 83, formerly commercial titular director of the chemical sales organization of the I.G., have been duly warned that I render myself liable to punishment in case of a false affidavit. I declare in lieu of oath that my statement corresponds to the truth, and that it was made in order to be submitted as evidence to the Military Tribunal No. VI at the Palace of Justice, Nuernberg, Germany.

I have known Dr. Georg von SCHNITZLER, member of the Vorstand of the I.G.Farbenindustrie A.G., Frankfurt/Main, Gruenoburgplatz, since about 1927 because I worked at that time as a deputy of Herr Huber-Andreas in the Building-Commission for the construction of the I.G. sky scraper, which commission was directed, or at least appreciably influenced, by Dr. v.Schnitzler. After that, I had, for a long period, very few business contacts and no social contacts whatsoever with him, until in about 1939 the so-called

Monday conferences were established at Gruenoburg-Platz, wherein questions touching all sections of the building were discussed. After the death of Herr Huber-Andreas (October 1943) Dr. v.Schnitzler took over the management of the Chemical Sales Organization so that from then on I saw him often and regularly.

Although Dr. v.Schnitzler, when he became manager after the resignation of Prof. Selck towards the end of 1937, could not act otherwise than to comply outwardly with National Socialism, I can remember very well without being able to quote such remarks verbatim - that Dr. v. Schnitzler, whenever he felt that no persons were present who would report his utterances to Party Offices, made some very derogatory remarks about National Socialism and its leaders, especially Hitler, Ley and Gauleiter Spronger,

- 2 -

and that he had a rather dark view of Germany's fate after the seizure of power and especially after the occupation of Prague.

His relations with the plant manager Heinrich GROSCH, who was a "non-compromising veteran" of National Socialism, may best be characterized by Dr. v. SCHNITZLER's trying to apply the craft of Jiu-Jitsu, in other words, that he first dodged all direct attacks and later on, when GROSCH considered the matter more coolly, he tried, by way of persuasion, to moderate GROSCH's rash threats and intentions and to turn them into a compromise bearable by all the participants. By means of his dexterity and pertinacity Dr. SCHNITZLER also succeeded in many such cases.

Dr. v. SCHNITZLER also applied the same tactics in connection with Herr GROSCH's ambition to secure, by the carrying out of National socialist ideas, the "Golden Flag" for the Gruenoburg Building, i.e. to have the building declared a model business. According to my observations, Dr. SCHNITZLER gained GROSCH's confidence by supporting him liberally whenever general social welfare measures were involved (the construction of houses for the employees, cultural gatherings, leisure time arrangements), on the other side, which concerned the doctrinal aspect of the party, however, he tried to the best of his ability, to stave him off, especially in regard to the intolerance against Jews and those who thought otherwise politically and he made all efforts to remove - from the reach of Herr GROSCH by transferring them as representatives etc.- all such persons who were being attacked or upon whom an attack was to be expected.

After I had returned from the campaign in Poland, he asked me especially to look after the question ^{of} induction in such a way that, in the matter of indispensable positions, no favoritism was applied to party members, or persons who had "connections" of any kind, and that I should support Wilhelm BOERMANN, the head of the personnel department, in his tough fight with the party office.

I can remember how glad he really was when I told him that I had pointed out to Herr GROSCH - after Herr BOERMANN had already spoken with GROSCH to the same effect -

- 3 -

that his (GROSCH's) reputation with the employees would be ruined altogether, if but the attempt were made to establish him in a deferred position, all the more as he was a never compromising veteran of the movement and that Herr GROSCH had finally seen the point.

In connection with my work as a counter-intelligence agent for the administration building of the I.G. Gruenoburgplatz, wherein I was not a subordinate of Dr. SCHWITZLER, though I had to keep him informed, Dr. v. SCHWITZLER fully sanctioned my attitude of putting up a determined resistance against having the I.G. organization - especially its representatives abroad - engage in espionage work.

Frankfurt/Main, 11 March 1948

(signed) Karl v. HEIDER

The above signature, acknowledged by me and personally affixed by Karl v. HEIDER, living in Frankfurt/Main, Grillperzerstr. 83, was made before me, Dr. Rupprecht v. KELLER on 11 March 1948 in Frankfurt/Main, and is herewith certified and witnessed by me.

(signed) Dr. Rupprecht v. KELLER.

- 72 -

AFFIDAVIT.

I, Prof. Dr. Carl LUR, born 14 August 1897, have been duly warned that I render myself liable to punishment in case of a false affidavit. I declare in lieu of oath that my statement corresponds to the truth, and that it was made in order to be submitted to the Military Tribunal No. VI at the Palace of Justice, Nuernberg/Germany .

I am a member of the Vorstand of the Dresdner Bank and was president of the chamber of commerce in Frankfurt which later on, during the National Socialist regime, was converted - by a merger with the special regional groups - into the Gau Chamber of Economy.

In 1942, the chief legal adviser of the industrial department in the Frankfurt chamber of commerce, Herr de la Roi, Kronberg-Taunus, Quaidastrasse, told me that he had to call on Dr. v. SCHWITZLER, as the latter had been appointed war economy leader by the Reich Minister of Economy through the agency of the industrial department of the chamber of commerce. This appointment as war economy leader was a natural outcome of Herr von SCHWITZLER's position in industry. The appointment by the Reich Minister of Economy was only an award; this was based on the fact that the Reich Minister of Economy had no authority to distinguish an industrialist by the award of a medal or a title, but could only do so by appointing him war economy leader. Thus, for instance, nearly all the presidents of chamber of commerce were appointed ^{the} economy leaders without special application. The fact that this was only a gesture of appreciation becomes obvious when you consider that Geheimrat von ORL, for instance, was appointed war economy leader on his 70th birthday.

There was no work in connection with such an appointment as a war economy leader; nor was there any grouping of the

- 2 -

war economy leaders into a body or into an organization either on a general or a regional basis.

I was well acquainted with Dr. v. SCHMITZLER and had much social intercourse with him. From my intimate acquaintance with him I can confirm that Herr von SCHMITZLER was in no way national socialistically minded. At the evening or dinner parties I attended at SCHMITZLER's house, I met numerous foreigners - mostly industrialists from abroad. Sometimes, foreign diplomats were present too; thus for instance I met there the British Consul-General SMALONES and other members of the Frankfurt consulate corps. I never met any party people there, with the only exception of Dr. KREBS the First Mayor of the City Frankfurt, who was known to be in constant disagreement with the Gauleiter, and was not a typical National Socialist. He has therefore now been classified a follower by a de-nazification court.

I know from the many conversations that Herr von SCHMITZLER was strongly against the war; apart from a general aversion, this attitude was based on his businesslike attitude, especially his international leanings. It is entirely out of the question that Herr von SCHMITZLER knew of, or supported any plans of aggression made by HITLER. This is especially impossible because politically the I.G. remained as neutral as possible, keeping aloof from the party and from politics.

Concerning the attitude of the I.G. towards the party and its relationship and connections with the party I can say the following in conclusion:

The Gauleiter SPRENGER, who resided in Frankfurt, was on a particularly bad footing with Dr. von SCHMITZLER. He made several attempts to gain an influence on the I.G. by bringing into the Aufsichtsrat a gentleman with a tendency for National Socialism and party politics. This the I.G. turned down, however. I can particularly recollect the following significant case:

- 3 -

Gauleiter S-RENGER, in a conference with BOSCH, KRAUCH, and SCHMITZ, wanted to bring it about that Herr AVIENY should be elected to the Aufsichtsrat as a confidential agent of the Gauleiter; AVIENY was Director-General of the Nassauische Landesbank, was tied up with party politics, and had close connection with the Gauleiter. The Gauleiter's request was turned down by BOSCH and SCHMITZ. I learned the details at that time from Dr. ter MEER and/or Dr. von SCHMITZLER. Somewhat later Gauleiter SPRENGER made another attempt to bring AVIENY into the I.G. Aufsichtsrat, viz. after AVIENY had - by request of the party - become an Aufsichtsrat-member of the Metallgesellschaft in lieu of the well known Richard MERDON who was against the party. On this occasion Gauleiter SPRENGER repeated his request for AVIENY's admission to the Aufsichtsrat with the argument that the Metallgesellschaft - by reason of its connections with I.G. - had always held a representative seat in the Aufsichtsrat of the I.G., viz. in the person of the above-mentioned Richard MERDON. Although it was true that the Metallgesellschaft had always held a seat in the I.G. Aufsichtsrat, the principal Vorstand members of the I.G., after having first conferred with the Vorstand as a body, turned down the Gauleiter's request because they did not care to have AVIENY, as a confidential agent of the Gauleiter, in the Aufsichtsrat.

Nuernberg, 9 March 1948

(signed) Carl LUER

The above signature of Prof. Dr. Carl LUER, affixed before me, is herewith certified and witnessed by me.

Nuernberg, 9 March 1948

(signed) Dr. SIEMERS
Attorney-at-Law.

- 75 -

AFFIDAVIT.

I declare in lieu of oath:

I have known Dr. von SCHNITZLER these last twelve years from my position as head of the Military Economy Staff. In the period from 1939 until 1942, I often had the occasion to talk, officially and privately, to Dr. von SCHNITZLER on the political and economic situation. In these talks Dr. von SCHNITZLER did severely criticize the Hitler regime, calling Hitler a calamity to the German nation. Neither was Dr. SCHNITZLER in favor of GOEBBELS' efforts for autarky or the four-years plan. When, just prior to the war, I held a lecture at Frankfurt before a circle of economists who had been invited, wherein I made it clear that for economic reasons Germany could not start, or be permitted to wage, another war, Dr. von SCHNITZLER supported my arguments.

During the war Dr. von SCHNITZLER often expressed to me his disgust caused by HITLER's political methods and HITLER's methods of war. He implied that the German business world was waiting for a general change to be brought about by the Wehrmacht. I also had the impression that Dr. von SCHNITZLER kept very much aloof from the measures which had been imposed on the I.G. by the Wehrmacht for supporting the waging of the war. This attitude of his may also have derived from the fact that Dr. von SCHNITZLER, as a specialist in the original line of the I.G. (dyes, heavy chemicals) had a strong leaning for global economy. As far as I know, Dr. von SCHNITZLER had no direct connection with the special war production of the IG. These impressions of mine were corroborated by remarks made by other people in the I.G. who know Dr. von SCHNITZLER better than I on account of his business activities. Dr. von SCHNITZLER seems to have been appointed war economy leader in line with a policy of the Reich Ministry of Economy by which all leading economists were given this title.

- 2 -

For myself I can say that I am one of the original instigators of the opposition against the HITLER regime, that I have agitated against war since 1937, and that after the 20 July I was arrested by HITLER's order. I was saved from the execution - which had already been ordered - only by a lucky accident.

(signed) Georg THOMAS

General of Infantry, retired.

Document Roster No. 137 - 46

The above signature affixed in person before me by the retired General of Infantry Georg THOMAS, personally known to me, living at Falkenstein/ Taunus, at present in the City Hospital, Frankfurt/Main is herewith officially certified.

Frankfurt/Main, 29 October 1946

(signed) Dr. Fritz MERTENS
Notary Public.

Seal: Dr. Fritz MERTENS
Notary Public, Frankfurt/Main

- 77 -

CERTIFICATE OF TRANSLATION

19 April 1948

I, S.A. HAMURGER, Civ.No. ETO 20 062, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of original document.

S.A. HAMURGER
Civ.No. ETO 20 062.

AFFIDAVIT.

I, Karl von HEIDER, residing in Frankfurt/Main, Grillparzerstrasse 83, have been duly warned that I shall render myself liable to punishment by making a false affidavit. I declare under oath that my affidavit corresponds with the truth and has been made in order to be submitted as evidence to the Military Tribunal in the Palace of Justice, Nuremberg, Germany.

In reference to my two affidavits (document NI-5177 (Exhibit No. 374) and NI-7418 (Exhibit No. 312) and to my testimony as a witness in the Nuremberg Court on 2 and 3 October 1947 (Official transcript, pages 1601 to 1655), the Defense Counsel of the defendant Paul HANFLINGER, Dr. v. NATZLER, submitted to me a letter regarding the functions of the commercial committee of the I.G., which the Defendant Dr. Georg von SCHNITZLER had written to the president of the aufsichtsrat on 12 April 1937 (Exhibit No. 361, German volume XIII/166). I quote the following sentences:

"Our large I.G. conferences which quite in accordance with the wishes of all participants - are held now in a very concentrated manner, for merckleck of time - did not give us any more the opportunity to discuss in detail among the commercial directors the problems which were mentioned here only quite generally, as it had been the custom in former years under less complicated conditions and as had sometimes occurred, and as it is still necessary to-day."

"It became more and more obvious that, apart from the current business tasks of the individual branches, which were handled independently by them, there existed some problems for the entire organization, merely industrial problems as well as problems regarding economic and finance politics, which are either of a general importance to the I.G., or which may influence the business of another branch, besides the directly concerned."

The letter mentions the following points in this connection:

- 2 -

Currency restrictions,
clearing,
compensation deals,
furthering of export business,
procuring of raw materials,
contact with the great foreign competitors.
In this connection are named I.G.,
Dupont, Montecatini and the entire French
chemical industry,
the activity of the representatives of the
I.G. abroad.

Von SCHNITZLER says, furthermore, that the conference was meant to be an "informal" one.

I can not find any contradiction between this letter and my statements mentioned above; may I, therefore, state the following, as an addition to these statements regarding the forming of the commercial committee, which originated from the informal conferences mentioned above, and its authorities:

When a great number of general problems arose, which concerned all sales agencies of the I.G., as a consequence of the increase of the restrictions of foreign currency and industry and of the always increasing interference with the industry by the government, there was an increased necessity for the leading members of the sales staff to contact each other regularly in conferences which had, indeed, already been held before, but not regularly. The directors of the sales agencies decided therefore in summer 1937 to meet in regular conferences.

Von SCHNITZLER informs the president of the Aufsichtsrat about this in his letter of 12 August 1937. After von SCHNITZLER had received the president's consent, these conferences were held regularly and were called "Commercial Committee". There never existed any business statutes of the Commercial committee, which was also quite unnecessary in view of its very nature. The sales agencies always functioned on an independent basis. They were, therefore, autonomous organizations. It is, indeed, characteristic that the firm continued to carry the name "I.G.", meaning "combine" (Interessengemeinschaft). The difference

- 3 -

as compared with the former state, when the combine still consisted of single firms which were, from a legal viewpoint, independent, is merely that after the merger in 1925 the individual sales branches of the firms were combined, which brought an end to the intolerable situation that each firm sold dyo-stuffs, chemical products, nitrogen products, pharmaceutical products etc. which resulted in an increase of workinefficient from an economic viewpoint and in a financial burden. The commercial organization of the single firms was now replaced by the sales combines, namely dyo-stuffs sales combine, chemical products sales combine, Pharma sales combine, Photo sales combine. Nitrogen fertilizer was already sold since 1919 through the nitrogen syndicate, fuel and oils were not yet produced in 1925. Each of these sales combines had its ^{own} sales agencies.

The sales combines were very anxious not to permit any interference in matters of their sales organizations. This principle was adhered to up to the very last. Neither was this changed through the formation of the commercial committee (K.A.). The K.A. had no authority whatsoever to interfere with the independent administration of the sales combines, neither did it attempt to do so. Its sphere of competence may best be described in a negative way. The K.A. was, for example not authorized to instruct a sales combine to give up its agency abroad or to merge with the agency of another sales combine. The K.A. could also not decide that an agreement or a cartel of a sales combine was not to be renewed, extended or dissolved. Such matters were not even submitted to it, and, in case that they were submitted, only for suggestions. It would have been quite out of the question that, for instance, the Farben combine submitted to the K.A. the problem regarding the purchase of the

- 4 -

French firms, in order to follow its decision. A report could be submitted for information only and in order to hear suggestions regarding that matter. In case that, however, a subject was to be discussed in the K.A., which was outside of the scope of sales activities, the president invited also other members of the I.G. staff. The best example for this is probably the conference on 28 June 1940, in which the I.G.'s position in regard to the "new order", which had been requested by the Reich Ministry for Economy, was discussed and to which had been invited a great number of the staff of the sales combines which were not members of the K.A. and several members of the central committee.

Neither could the K.A. interfere in problems of personnel, but could only make recommendations. As further examples I can state that the K.A. had no authority whatsoever to decide on matters directly concerning the individual sales combines, which had indeed alone the authority to decide matters in regard to the current business. The autonomy of the sales combines was represented by the responsible director of the sales combine and the bodies functioning within the various combines in accordance with their special requirements, like for instance the Farben committee, the CHEMA, the Bayer conference of directors, the Agfa conferences of directors, etc.

No I.G. sales combine existed in regard to nitrogen compounds benzine and oils.

In regard to the commercial, financial and economic functions, which were to be handled by the I.G. Berlin NW 7, the records of the first conference of the new K.A. state the following:

- 81 -

- 5 -

"In view of the fact that the work done by the Berlin Main Offices represent, for a large part, main functions of support in the commercial and economic field, a close collaboration between the individual sales combines and concerns resulted from it. It is necessary to concentrate increased attention on all these tasks, in view of the actual situation in regard to raw materials and currency, and therefore an even closer contact is required in the future.

signed: Karl von HEIDER

26 January 1948.

The signature of Karl von HEIDER, residing in Frankfurt/Main, Grillparzerstr. 83, affixed before me, is herewith certified and witnessed by me .

signed: Dr. Walter BACHEM.

AFFIDAVIT.

I, Karl von HEIDER, Frankfurt/Main, Grillparzerstr. 83, former commercial Titular-director of the Chemical Products sales combine of the I.G., have been duly warned that I shall render myself liable to punishment by making a false affidavit. I declare under oath that my affidavit corresponds with the truth and that it has been made in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice, Auroreborg, Germany.

As I have already stated in my testimony on behalf of the defendant Paul HELLINGER of 21 February 1948, the matters handled by the Chemical Products sales combine were a great many and of a varying nature.

They were:

at the end of 1944 approximately	1400 Main products
in addition, other products (for instance solid products and lye) approximately	3200 products
therefore, a total of appr.	<hr/> 4600 products

without the many intermediary products only intended for internal use.

Apart from a few products which were sold directly for general use, these products went to all kinds of other industries as raw materials and intermediate products, including brick works and even to the agriculture. There was a great variety of products; there were cheap products produced in masses which were sold by thousands of tons, as well as very precious ones which were sold in amounts of a few grams (for instance flints for cigaret. lighters), there were products of the inorganic and organic chemistry of the most varying kind, as well as light metals and metals used in the refining of steel, mineral dye-stuffs like synthetic tanning materials, solvents, raw materials for lacquer, and plastics, flotation agents and other agents for the mining industry, as gases and apparatus for autogenous welding and cutting, synthetic rubber like protective agents against aging and accelerator for the rubber industry, preserving agents for food and wood,

- 2 -

protective agents against fire, water-purifying agents and a great number of various other products. The turn-over of the sales combine increased from appr. 220 millions in 1930 to appr. 485 millions in 1938 and appr. 1425 millions in 1945, mainly as a consequence of the progress made in new fields. Apart from the actual sale with all its problems (as price policy, issuing of new products, duties, freights, price agreements, syndicates, agreements on suspension of work, propaganda, sales organization in Germany and abroad), there were to be decided the problems of the procuring of raw material, production processes, German and foreign patents and trade-marks, purchase and sale of licences, contracts of collaboration, purchase of real estate and of mining rights, packing problems from paper bags to tank cars and chlorine tankers, taxes, partnerships and founding of companies in Germany and abroad, in short the most varying problems of industry. More than 3000 contracts regarding chemical products were listed in the legal department. It is therefore not surprising that the agendas for the conferences of the Chemical products Committee ("Chemie") contained up to 72 - an average of at least 30 - points and it required the immense diligence through tens of years, the clear and rapid thinking and the incredible faculties of memory of a Wobor-Andreas, in order to really grasp this field.

The chemical products committee could therefore, in its conferences, which lasted never more than a day, only in very few cases really discuss the problems listed on the agenda; the normal procedure was, however, only to consider quite briefly from a view point of general policy and general technical and commercial experiences, the matters prepared by the chief of the commercial department in collaboration with the technical expert and a legal advisor and experts on patent matters, bookkeeping and taxation; these matters were subsequently only voted on with "yes" or "no" or "sent back for further consideration".

- 84 -

- 3 -

The chemical products committee, with its decision, (which had then still to be approved by the Vorstand, in regard to technical matters, by the TBA technical committee) gave actually a vote of confidence to the participants of the conference and to the members of the staff handling the matters in particular; this vote of confidence differed from a similar vote of a parliament on behalf of the government only in this, that it was expressed by a body particularly on behalf of men who were in their field experts of great experience. The actual responsibility was therefore placed mainly on the experts and the members of the Chema which had those specific tasks.

When Dr. v. SCHNITZLER took over the management of the chemical sales combine in 1944, he immediately became aware of the fact that, in spite of all efforts to become thoroughly familiar with the matter and in spite of the full support by the business staff and the technicians, he would for a long time to come lack the wide knowledge which enabled Weber-Andreas to influence the business to such great extent; he therefore created within the organization a body of four for the direction of the chemical product sales combine, which was presided by him and consisted of HAEFLINGER, BERGMARDT and v. HEIDER who handled the actual work, while he reserved for himself merely the direction and two of the seats of Weber-Andreas in the Aufsichtsrat. It is obvious that - as none of us members of the sales staff who had spent such a great number of years in the chemical products sales combine, could claim to be entirely familiar with all branches of this wide field, Dr. v. SCHNITZLER's activity in the chemical products sales combine from the beginning of 1944 until the occupation of Frankfurt/Main in March 1945 can only be considered as a time of getting acquainted with the material.

signed: Karl v. HEIDER

The above signature of Karl v. HEIDER, residing in Frankfurt/Main, Grillparzerstr. 83, affixed before me, Dr. Rupprecht v. KELLER on 12 March 1948 in Frankfurt/Main, is herewith certified and witnessed by me.

signed: Dr. Rupprecht v. KELLER.

AFFIDAVIT.

I, Dr. Ernst August STRUSS, residing in Frankfurt/Main, Gaertnerweg 59, of German nationality, have been duly warned that I shall render myself liable to punishment by making a false affidavit.

I declare under oath that my affidavit corresponds with the truth and that it has been made voluntarily and without coercion, in order to be submitted as evidence to the Military Tribunal No. VI in the Palace of Justice Nuremberg, Germany.

Participation of Dr. v. SCHWITZLER in Tea (technical committee) conferences.

After the Tea had been reorganized in 1938, Dr. v. SCHWITZLER was invited by Dr. von MEER to take part in the Tea conferences as a guest. Subsequently Dr. v. SCHWITZLER participated in most of the Tea conferences he usually left, however, the conferences after the reports on scientific and technical matters which headed the agenda.

Frankfurt/Main, 12 March 1948.

signed: Dr. Ernst August STRUSS

The above signature of Dr. Ernst August STRUSS, residing in Frankfurt/Main, Gaertnerweg 59, affixed before me on 12 March 1948, is herewith certified and witnessed by me.

Frankfurt/Main, 12 March 1948

signed: Dr. v. KELLER

Defense Counsel in the case VI
at the Military Tribunal in
Nuremberg

Document Book II SCHMITZLER
SCHMITZLER Document No. 44
Exhibit No.

I, Dr. Walter SIEMERS, attorney in Hamburg, at the present
time Defense Counsel at the American Military Tribunal Nuremberg,
herewith certify that the enclosed document:

"the German-English industrial conferences",

which appeared in the year-book "Steel and Iron", year 1939,
page 381, is a true and literal copy of an edition from the
files of Dr. v. SCHMITZLER.

Nuremberg, 19 March 1948

(Dr. SIEMERS).

Excerpt from:

"Steel and Iron" Year 1939
Economic Survey Year-book Page 381
published on 23 March 1939.

The German-English industrial conferences.

The German-English industrial conferences started on Wednesday, 15 March 1939, in the morning, with a conference in which participated the chief delegates and the delegates for special fields. After a welcome address by Dr. Ernst POENSGEN, Duesseldorf, the chairman of the German main delegation, and a reply by Peter HENNET, London, the president of the Federation of British industries, the individual delegations for special fields retired for special conferences. Negotiations within the delegations for special fields were successfully concluded, on the field of textile industry, machine construction, precision mechanics, optic, automobile industry and on the field of refined steel. Preparatory conferences on various other special fields were held in a friendly spirit.

The conferences of the main delegations ended with a joint statement which was signed by all members of both main delegations on Thursday, 16 March 1939, and which states the following:

Joint statement
of the Reich group Industry and the federation of British industries concerning the results of the Duesseldorf conference on 15 and 16 March 1939.

After the conclusion of a general conference concerning the English-German business relations, the Reichsgruppe Industry and the Federation of British Industries agreed, on the following statement:

- 2 -

1. Both organizations welcome the opportunity offered by these conferences, to further the friendly relations already existing since many years among both organizations.
2. Both organizations agree on the fact that a strong and profitable export trade is absolutely necessary for the economy of Germany as well as of Great Britain.
3. The two organizations agree that the purpose of this export trade must be the procuring of work for their nations, to raise the standard of living and to secure a sufficient amount of foreign currency for the economic requirements.
4. Both organizations agree that the aim to be reached must be to direct the export of all countries in a manner which guarantees a fair profit to the producers of these countries. They agreed furthermore on the importance of a constructive collaboration, in order to eliminate unhealthy competition, and in order to obtain 'an expansion' of world trade^{to} the benefit of Great Britain, Germany and all other countries.
5. Both organizations are of the opinion that it is desirable that the individual industries of both countries make efforts to reach industrial agreements in order to eliminate any occurring competition undermining the market. The prices must, however, be fixed at a level which does not result in a weakening of the buying power of the consumers.
6. Both organizations are aware of the fact that agreements in regard to prices or other factors between Germany and Great Britain represent only one step - if an important one - on the road to a better organized system of world trade. They would welcome it, if other nations joined this agreement.

- 89 -

- 3 -

7. Both organizations are of the opinion that negotiations between industries which are already prepared for it, should be started speedily. They agree furthermore that the furthering of international trade on a lasting, progressive and profitable basis may be reached faster, if the sphere of these agreements is a larger one, in regard to the industries as well as in regard to the countries.

8. Both organizations are well aware of the fact that in some cases the benefits derived from an agreement between the industries of the two countries, or of a group of countries, may be destroyed by unhealthy competition of the industry of another country which refuses to join in the agreement. In such a case the necessity for the organization may arise to request the assistance of its government. Both organizations agree to request this assistance in case of necessity.

9. Both organizations agree that, as a result of an agreement between their industries, the aim must be to eliminate unhealthy competition. It is their purpose to obtain the closest possible collaboration in the industrial fields of their two countries.

10. Both organizations agree to make the greatest efforts in order to further and to carry out successfully the negotiations between the individual industries of their countries. They consider as very encouraging the fact that a considerable number of agreements between the individual branches of the German and the British industry is already in existence. The great amount of experience which was gathered in this manner, makes them confident that such immediate extension of this policy may actually be carried out and is also profitable.

They are happy to report that other branches of industry have already on principle expressed their readiness to start negotiations in the near future.

They also announce with great satisfaction that negotiations with 10 industrial groups have already started and are under discussion at the present time.

- 4 -

11. Concluding, the Reichsgruppe Industry and the Federation of British Industries are of the opinion that the problem does not only concern the elimination of an undesirable competition, but rather the agreement on concrete measures for the increase of world consumption of products which are of interest to the German and the British industries. They therefore decide to maintain a closer and more active contact. They furthermore recommend that the individual industries do their share in order to obtain an increase in the world consumption of products of interest to them, through agreements on joint activities. They repeat that this joint action may be considered as the first step of a large collaboration of the industries on an international level with the purpose to raise world consumption and, therefore, also production, for the benefit of all concerned.

12. The last aim must be the furthering of the conditions of the entire world.

The Reichsgruppe Industry and the Federation of British Industries are of the opinion that the main result of their conference is the creation of a healthy basis as an expedient starting point for conference with individual industries.

In order to secure for the future the success of this policy of the Reichsgruppe Industry and the Federation of British Industries, a permanent committee of both organizations had been formed. This committee will examine the state of the negotiations in regular meetings. The Federation of British Industries invited the German members of this joint committee to return the visit in June in Ireland. The invitation was accepted by the German colleagues.

- 91 -

CERTIFICATE OF TRANSLATION

19 April 1948

I, Helene LALLMAND, Civ.No. AGO B 398 038, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of original document.

Helene LALLMAND
Civ.No. AGO B 398 038

Defense
Case 6

DOCUMENT BOOK III

for

Dr. Georg von SCHNITZLER

MILITARY TRIBUNAL VI

CASE VI

PRESENTED BY

DR. WALTER SIEMERS

ATTORNEY-AT-LAW, HAMBURG.



Aug.

INDEX

to

DOCUMENT BOOK III

for Dr. Georg von SCHNITZLER.

Documents 45-66, pages 1-92.

(Document 6)

Schnitzler No.	Exhibit No.	Description of the Document	Page
		----- Francolor Agreement. -----	
45		Excerpt from the book "Histoire d'une Negociation" by Rene P. Duchemin: The desire to be invited the Armistice Commission was expressed by the French themselves.	1-2 1-2
46		Letter dated 10 December 1940 from Duchemin to Major Kolb requesting that the Wiesbaden negotiations of 21 November should only be continued between 15 and 20 January in view of Frossard's illness	3-4 3-4
6	6	Opinion dated 17 January 1941 of Dr. Gustav Kuepper on the German-French Cartel Agreement of 27 April 1929	5-13 5-13
47		Statement dated 22 February 1941 made by Frossard on the reliability of French co-operation by Messrs. Loncle, Fokenberghe and Cordier and expressing disapproval at the action taken against I.G. Paris during the war by some co- workers.	14-15 14-15

Schnitzler No.	Exhibit No.	Description of the Document	Page
48		Memorandum by <u>Dr. Kramer</u> on the discussion with <u>Frossard</u> on 28 February 1941. <u>Frossard's</u> negotiations with <u>Duchemin</u> , <u>Barnaud</u> , delegate for the German-French Economic Agreement, <u>Ducheux</u> , Under State Secretary in the Ministry of Production, and <u>General Blanchard</u> . <u>Frossard</u> is convinced that the Government will give its approval for the founding of <u>Francolor</u> and that <u>Francolor</u> will be able to deliver dyestuffs to the Unoccupied Zone. Bringing in of his friend <u>Thesmar</u> to take an active part in the work.	16-19 18-19
49		Letter dated 14 March 1941 from <u>Bichelon</u> (Consulting State Secretary for Industry and Commerce) to the Chief of the Economics Department of the Military Administration in France, (<u>Kriegsverwaltungschef Michel</u>) approving the minutes of the negotiations in the Hotel Majestic in Paris on 12 March 1941	20-21 20-21
50		Letter dated 27 March 1941 from <u>Barnaud</u> (Office of the Finance Minister) to <u>Kriegsverwaltungschef Michel</u> approving the same minutes (see Document 49)	22-23 22-23
51		Letter written at the end of June 1941 by <u>I.G.</u> to <u>Etablissements Kuhlmann</u> regarding the first order from <u>I.G.</u> to the 3 French dyestuffs factories amounting to RM 2,652,840.- with affidavit by <u>Dr. Berthold Wenk</u> .	24-34 24-34
52		Letter dated 9 July 1941 from Reich Office Chemistry (<u>Reichsstelle Chemie</u>) to <u>I.G.</u> consenting to the placing of orders with the French Dyestuffs Industry amounting to 8000 tons per annum and granting permission to allocate to the French Dyestuffs Industry preliminary products, raw and auxiliary materials, also to give support to the works when starting them up, together with affidavit by <u>Dr. Berthold Wenk</u> .	35-37 35-37

Schnitzler No.	Exhibit No.	Description of the Document	Page
53		Letter dated 15 August 1941 from the Central Order Office (Zentralauftragsstelle) of the Military Commander in France to the I.G., <u>granting permission</u> to the I.G. to place orders with the French dyestuffs factories for 8000 tons dyestuffs, amounting to RM 40 million together with affidavit by <u>Dr. Berthold Wenk</u> .	38-39 38-39
54		Note for the Files by Dr. v. Schnitzler on the <u>German-French discussion</u> on 16/19 June 1941 re: 1) On the basis of the pre-war turnover figures amounting to 701 and 774 million francs as submitted by the French Group, it was agreed, for the purpose of the deed of foundation, to take the turnover as being 800 million francs. 2) The I.G. Farben shares given to Francolor were reckoned?(word missing) at 160% (approximate pre-war stock exchange rate) although at the time of the deed of foundation the shares were quoted at 200%. 3) The stocks were also calculated on the basis of pre-war prices, and by adding 13½% were fixed to the advantage of the French Group.	40-47 40-47
55-57		<u>Original statements</u> of the three French firms regarding <u>their pre-war turnovers</u> . These were taken as a basis for the agreements of 16/19 June 1941 (see preceding document No. 54).	48-52 48-52
58		Affidavit by the <u>Frankfurter Bank</u> showing that I.G. shares were quoted on the Stock Exchange at the time of the founding of Francolor at <u>197½%</u> .	53-54 53-54
59		Affidavit by the <u>Frankfurter Bank</u> on the exchange rate of the French franc in relation to the German Reichsmark at the time of the German-French negotiations and the founding of Francolor (standard rate 20 French francs - 1 RM.)	55-56 55-56

60 Affidavit by Hans Muench.
 This reveals that the intrinsic value of the I.G. Farben shares at the time of the foundation of Francolor was:
 a) according to the property tax statement 301 - 304 %,
 b) according to the tax statements on the I.G.'s income 313 - 331 %.
 The hidden reserve fund has not yet been included in this intrinsic value. This is implicit in the tax statements, in the invested capital, in the shares in other companies, in the stocks, in the patents, trade marks and production methods, in the good will of the firm.

57-62
~~57-62~~

61 Letter from the I.G. to the Reich Ministry of Economics and the Reich Ministry of Finance dated 26 June 1941.
 In this letter, the necessary official approval was applied for immediately by the I.G. in connection with the Paris negotiations of 16/19 June 1941, with reference to normal pre-war conditions as a basis for calculations.

63-70
~~63-70~~

62 Letter from the Reich Ministry of Economics to the I.G. dated 29 July 1941, in which the I.G.'s proposals (cf. Document No. 61) "in the interests of collaboration with the French dyestuffs industry" are approved.

71-72
~~71-72~~

63 Letter from the Foreign Exchange Office, Berlin, to the I.G., dated 26 August 1941, in which the French dyestuffs factories are granted permission to buy RM 12,750,000.- in I.G. shares and I.G. is at the same time granted permission to procure a loan for Francolor of up to RM 10,000,000.-.

73-76
~~73-76~~

Schnitzler Exhibit No.	Description of the Document	Page
64	Joint letter from I.G. and the French dyestuffs factories Kuhlmann, St. Denis, St. Clair, to the French Minister and State Secretary for Industrial Production and Labor, dated 24 July 1941. In this letter the French dyestuffs factories together with the I.G. agree, in conformity with a request from the French Minister, not to force other French chemical firms out of the home or foreign markets.	76-78 80-81
65	Joint letter from the I.G. and the 3 French dyestuffs factories to the French Secretary General for Industrial Production dated 3 October 1941. In this letter it is laid down that <u>as far as licenses</u> between the German and French Groups are concerned, " <u>absolute reciprocity</u> " should be granted.	79-81 82-83
66	Letter from the French dyestuffs factories via Duchemin, Thesmar and Frossard to the French Director of the Foreign Trade Ministry of Finance, dated 3 October 1941. The French Group confirmed that with reference to "our cartel contract of 1927" <u>all the necessary securities for the benefit of the French Group</u> were granted.	82-83 84-85

* * *

(Page 1 of document)

Translation.

Extract

from the book

"Historic d'une Négociation", by René P. DUC-EMIN

21 November 1940

18 November 1941

I.

An Invitation
to the Armistice Commission.

At the beginning of November 1940, the Department of Chemical Industries of the State Secretariat for Industrial Production informed the directors of the Etablissements KUFMANN and of the Société des Matières Colorantes de Saint Denis that they would be invited to attend the Armistice Commission at Wiesbaden in order to be present when the dyestuffs problem was being dealt with.

This invitation was apparently the result of a request addressed in August, 1940, to the Armistice Commission, by Messrs. RFEIN and VAUCHEE, co-workers of Mr. FROSSARD, without the knowledge of the latter, desiring to be called to Wiesbaden, should questions be handled there that were of interest to the sphere of dyestuffs.

(page 2 of document)

This French request was refused at the time by the German chairman, Mr. HEMMEN, as being premature.

Three months later, however, this meeting was called by the same chairman, Mr. HEMMEN.

The French Delegation was formed by the Minister for Industrial Production and Labour; it comprised General-Ingénieur BLANCFAID, Departmental Chief of Chemical Industry;

Mr. BASTETS, delegate general of the Committee of Organization of the Chemical Industry;

Mr. TRESMAR, president of the Société des Produits Chimiques et Matières Colorantes of Saint-Denis;

Mr. B. P. DUCHEMIN, president of the Compagnie Nationale des Matières Colorantes et Manufactures de Produits Chimiques du Nord Réunis, Etablissements KUHLMANN.

.....
.....

For true extract:

Basle, 4 March 1948

(Signed) Dr. Erwin STROBEL

Notary

Seal: Erwin STROBEL

Notary

Log. Prot. 1948 No. 63

(Page 5 of document)

I, Dr. Leopold KRAFT von DELLMENSINGEN, hereby certify, that the attached document: Letter from Mr. DUCHEMIN to Major KOLB of 10 December 1940 is a true and correct copy of the document contained in the original files of the I.G. Farben Aktiengesellschaft in Frankfurt.

Munich, 21 February 1948

Dr. Leopold KRAFT von DELLMENSINGEN

(Page 6 of document)

Translation

Copy

Etablissements KUHLMANN

Paris, rue de la Baume 11,

The President

10 December 1940

Dear Major,

Further to the Wiesbaden meeting of 21 November last, at which you were present, we had a private meeting on the next day with the representatives of the IG Farbenindustrie.

The meeting closed in the agreement that, if a new discussion appeared to us to be useful, we should inform you and Mr. KRAMER accordingly and that in this case the gentlemen of the IG would be prepared to go to Paris.

After careful study of the IG Memorandum, we consider a further discussion with its representatives to be necessary and we should be very much obliged if you would propose to them a meeting about the 15th to 20th January next.

We should have liked to be able to arrange this meeting for an earlier date, but Mr. Joseph FROSSARD, who, as you are aware, has been ill, must, on the advice of his doctor, go to the south for a few days, and we should greatly wish him to be present at the proposed negotiations.

We thank you in advance for your good offices in this matter and with great respect remain

Yours faithfully,

Major KOLB,

(Signed) DUCHEMIN

Hotel Royal Monceau,

55 Avenue Hocho, Paris 8.

(Page 8 of document)

I, Dr. Walter SIMERS, Attorney at Hamburg, at present
Defense Counsel at the American Military Tribunal Nuernberg,
herewith certify that the attached document:

Opinion of Dr. Gustav K U E P P E R of 17 January
1941 on the German-French Cartel Agreement of 27

April 1929,

which was identified and recognized according to Transcript,
page 6073 German and page 6018 English by the witness Dr.
Gustav KUEPPER, interrogated before the American Military
Tribunal No. VI on 28 January 1948 is a true copy of the
original.

Nuernberg, 11 February 1948.

(Dr. SIMERS)

(Page 9 of document)

Frankfurt/Main, 17 January 1941
Dr. K./E.

Re: German - French Cartel Agreement of 27 April 1929/
"Memento pour la C.M.C." of 9 November 1940.

In the German-French conference which took place in Wiesbaden on 22 November 1940 a "Memento pour la C.M.C." was submitted by the French group, which, in its essential part, specified that the German - French Cartel agreement continued to be valid and had only been suspended for the duration of hostilities. The "Memento" states in effect that the validity and continuance of the German-French agreement can be doubted as little as that of the German-Swiss-French tripartite agreement. It supports this by various provisions of the contract quoted in the "Memento" and by the declarations made on the occasion of the 10th anniversary of the German-French cartel. It also states that the French government does not consider the prewar German-French agreements as cancelled. This would seem to follow from the decree of 1 September 1939.

On the basis of detailed legal research work in the field of literature and legislation the following main statements can be made:

The declarations made when the agreement was concluded and on the occasion of its tenth anniversary and also the desire of the parties to keep up the validity of the agreement, as it is expressed in the wording of the contract, are not decisive. Decisive is rather, whether the actual facts which became reality through the outbreak of war have legal consequences which mean a dissolution of the German-French cartel agreement (and thus also of the German-Swiss-French cartel agreement).

(Page 10 of document)

An examination reduces the dissolution of the agreement for the following reasons:

It must be said beforehand that the Dutch law is the only authority for the whole agreement according to article 3 of the bipartite agreement and according to article 5 of the tripartite agreement. The regulations for the courts of arbitration decide farther that "the regulations of the ordre public valid in the countries of the parties concerned" must be considered apart from the Dutch law. This means that the pertinent regulations of the ordre public must be applied apart from the rules of the Dutch law.

I. Contract Violations on the part of the C.M.C. since outbreak of the war.

The C.M.C. transgressed in the matter of the obligations expressly laid down in the cartel agreements by delivering goods to exempted countries (Verzichtslaender), and even establishing an agency for dye-stuffs in the exempted country "Switzerland". Further on the C.M.C. started a fight against the I.G. contrary to the regulations of the cartel agreement and tried to sell at lower prices. According to the cartel regulations the status quo shall be maintained on principle in the reciprocal relationship of deliveries as developed in the individual countries. In violation of this obligation the C.M.C. increased its business volume considerably, especially in Brazil and Argentina. This brought not only about a shift in the status quo connected with a business loss for the I.G., but even worse a disturbance of the markets on a broad basis.

It is expressly mentioned in the cartel agreements that the ruling principle in the agreement shall be good faith more than aver and that the purpose of the agreement does not tolerate a violation of faith. It is not compatible with the above regulations

(Page 11 of document)

in any way that the firm KUFLMANN took immediately at the outbreak of the war a hostile attitude against the sales agency working for the I.G., in France the "Société pour l'Importation de Matières Colorantes et de Produits Chimiques".

In addition and against the point of view of the French government mentioned in the "Memento", viz. that contracts are not dissolved by the war, the "Union des Industries Chimiques" (Association of Chemical Industry) declared in the RESULTATS D'UNE ENQUETE GENERALE EFFECTUEE AU SUJET DES INDUSTRIES EXPORTATRICES (results of a general inquiry made concerning the export industries) of 28 September 1939 and 11 October 1939 under the "observations generales" (general observations) literally the following:

"D'ailleurs l'existence d'accords internationaux auxquels participaient, à côté de Sociétés françaises, des Sociétés allemandes, est désormais de nature à rendre certaines exportations plus faciles, puisque des accords ont été automatiquement résiliés et puisqu'une place se trouve ainsi rendue libre, qu'il s'agit maintenant d'occuper."

(Moreover the existence of international agreements in which German companies participated besides French companies is henceforth of such a nature that it will facilitate certain exports, as the agreements were automatically annulled and as, therefore, a place becomes free. It is the question now to occupy it.)

It must be assumed that the French group which represents a considerable part of the "industries chimiques" of France at least approved this attitude, if it did not induce it. It actually did everything to put this attitude into practice. This too implies a behaviour which is in distinct contradiction to the regulations of the cartel agreement.

(Page 11 a of document)

According to Dutch law contract violations fall under the conception of non-fulfilment. According to paragraph 1302 of the Dutch Civil Code every contract is concluded under the condition that if one of the parties defaults the contract becomes void. This means that the cartel agreements must be considered as void in consideration of the French group attitude. It is superfluous in this connection to go into closer details concerning the procedure of establishing this contract termination.

The French group will not be able to plead that according to paragraph 5 of

(Page 13 of document)
of 1 Sept. 1939
the French decree/already mentioned all German-French contracts concluded before the outbreak of the war had been suspended (suspendu), consequently also their obligations from the cartel agreements. The decree mentioned suspends German-French agreements only to such an extent as their fulfilment transgresses in the matter of regulations or the keeping up of relations between Frenchmen and enemies. Acts of omission cannot be considered as the keeping up of relations with enemies. But in no case did the French decree mentioned entitle the French group to actually take steps against the German group or the sales company active in France, in particular, if it is taken into consideration that after all the German-French contracts were - according to the conception of the French government - to remain valid apart from the limitation mentioned above.

II. According to paragraph 1374 digit 3 of the Dutch Civil Code contracts must be fulfilled in good faith. However the behaviour of the French group, already characterized under I. not last the attitude taken by the "Union des Industries Chimiques", which was already mentioned too, violate good faith. It may be left undecided whether the Dutch law in application of paragraph 1374, digit 3 gives to the partner who keeps the contract generally the right to demand the termination of the contract. It is essential that according to the wording of the contract agreements these should be regulated more than ever by the principle of good faith. In addition to it there cannot be any doubt that the article 242 of the German Civil Code belongs to the German ordre public. This article says that the debtor is obliged to effectuate in such a way as good faith demands in consideration of the business custom. If the existing jurisdiction and jurisprudence pertaining to the article 242 German Civil Code is applied as also according to the Dutch law concerned there is no doubt that the I.G. can consider the cartel agreements as void in consideration of the attitude characterized of the French group.

(Page 13 of document)

III. The war brought about a basic change in all the markets in question and in all other economic and political conditions.

The international economic relations of all countries have been changed to such a degree by the war that especially the cartel agreements discussed here, which dealt not only with a division of the markets for Germany and France, but went much farther by including all countries of the world, must simply be considered void. This follows from the well known legal maxim of the "clausula sic stantibus", respectively from the legal maxim of the lapse of the basic conditions of business.

A judgement of the Dutch "Hooge Raad" (Supreme Court) characterizes it as the change of circumstances of economic, personal or other kind, which occurred after the conclusion of the agreement. Even if the creditor does - according to this decision - not lose the right permanently to demand the fulfilment of the contract, there is still an interpretation of the article 1374, digit 3, which is decisive here too and which says that contracts must be interpreted according to good faith, represented in the Dutch literature according to which contracts in good faith must be interpreted in such a way that these changed circumstances annul an obligation. But in view of the fact that cartel agreements constitute a class by themselves and shall be administered as already mentioned several times, more than ever by the principle of good faith. From it follows that it must be decided also according to Dutch law that on account of the change in the markets brought about by the war, as also due to all economical and political conditions the I.G. cannot be expected to stick to the cartel agreements which resulted from certain market and economic conditions. If the French group says in the face of it that there exists no doubt as to the existence of the contract according to its wording, it is necessary to reply to it that a war like this

(Page 14 of document)

was not considered at all when the contract was concluded. From it follows that the change of all circumstances brought about by the war does not fall under the "difficulties to be eliminated" according to Article 7, digit 3. It is also necessary to point to the fact that article 1, digit 2 of the bipartite agreement and digit 3 of the introduction to the tripartite agreement deal with the possibility that the tripartite agreement could become void or impracticable for some reasons. The parties started therefore not from maintaining the contracts under any conditions, but from the fact that there could arise circumstances which are stronger than the regulation already mentioned according to which the existence of the contracts shall be beyond any question. They could in spite of this regulation effect a termination of the contract before the agreed validity period of the agreement. We point in this connection to the French decision of the Court d'Appel (Court of Appeal) in Aix of 25 November 1915 (Clunet 1916, 579) which annulled the contract in question on the basis of paragraph 1184 Code Civil which corresponds to the already mentioned article 1302 of the Dutch Civil code. It did so in spite of the express agreement of the parties that even war should not bring about the termination of the contract.

Here too the German *ordre public* contributes to the decision according to the agreement made. The principles developed by the German school on the "*clausula rebus sic stantibus*" and the lapse of the basic conditions of the business are founded on the already mentioned article 242 of the German Civil Code which corresponds in its essence to the paragraph 1347 digit 3 of the Dutch Civil Code. It was mentioned already that this rule belongs to the German *ordre public*. This German teaching of the "*clausula rebus sic stantibus*" says that there exists a right to annul the contract, if the economic aspect of the fulfilment of the contract became different than the two parties imagined and wanted it originally due to the complete change of conditions. The Reich Supreme Court decides the same

(Page 15 of document)

in case of a lapse in basic business conditions. The basic business conditions are created by the conception of one party shown at the conclusion of the deal understood in its importance and not contested by one of the parties or by the common conception of both parties of the existence or of the future occurrence of certain circumstances which form the foundation for the willingness to do business. The complete change in the markets and in all economic and political conditions brought about by the outbreak of war fulfils doubtlessly both presuppositions mentioned above, as well the doctrine of the "clausula rebus sic stantibus", as also the doctrine of the lapse of basic conditions. Thus the I.G. is also according to the German ordre public, which contributes to the decision according to the arrangements made, doubtlessly entitled to consider the agreement as extinct with the outbreak of war under consideration of the revolutionary changes of all conditions due to the war.

From the various legal reasons mentioned above in detail follows therefore that the cartel agreements do not exist any more.

At the conclusion it shall be pointed out as essential that according to declaration of the Swiss group received by the I.G. the German-Swiss-French tripartite agreement is terminated after the most minute examination of the whole question in consideration of the rulings of the Swiss ordre public.

signed: Dr. KUEPPER

Schnitzler No. 47

Exhibit No.

(page 16 of document)

I, Dr. Leopold Krafft von Dellmensingen,
herewith certify that the attached document

Letter of L. Frossard of 22 February 1941
is a true and correct copy of the document contained in the
original files of the I.G. Farbenindustrie Aktiengesellschaft
in Frankfurt.

Nuernberg, 20 February 1948

Signature

(Dr. Leopold Krafft von Dellmensingen)

(page 17 of document)

Translation

Paris, 22 February 1941

145, Boulevard Haussmann

I see no objection to declaring that I in no way participated in the attempts to sequester the " S o p i " company and that I was in no manner the instigator of the investigations initiated against it and its managers.

I know the absolute reliability of the attorney-at-law, Loncle, and of Messieurs H. Fokenberghe and Jean Cordier and I never had the slightest doubt as to their qualities as good Frenchmen and as to their patriotism.

I, furthermore, disapprove of the steps which may have been taken by some of my collaborators and which may have affected Sopi and its managers.

signed: J. FROSSARD

Schnitzler Doc. No. 48

Exhibit No.

(page 19 of document)

I, Dr. Leopold Krafft von Dellmensingen,
herewith certify that the attached document
Memorandum concerning the discussion with M. Frossard
of 28 February 41 on the German-French Dyestuff negotiations
by Dr. Kramer
is a true and correct copy of the document contained in the
original files of the I.G. Farben Aktiengesellschaft in Frankfurt.

Nuernberg, 21 February 1948

Signature

(Dr. Leopold Krafft von Dellmensingen)

(Page 20 of document)

Dr. I/A
SOPI
SOCIETE POUR L'EXPORTATION
DE MATIERES COLORANTES
ET DES PRODUITS CHEMIQUES
P A R I S.

26 February 1941
No. 70/D

M e m o r a n d u m

concerning the discussion with M. Frossard on 28 February 1941.

Subject: German-French Dyestuff Negotiations.

M. Frossard has informed me that a discussion took place last night between M. Duchemin, M. Barnaud, the newly appointed delegate for the German-French Economic Collaboration, M. Pucheux, the new Under State-Secretary in the Ministry of Production, and General Blanchard.

Blanchard or Barnaud will inform me in a few days of the attitude taken by the French Government. He added, confidentially, that all points of the agreement concluded in Paris had been accepted, with the exception of the point referring to percentual participation. I have previously stated on various occasions that this very point was the substantial issue as far as I.G. was concerned and that it would be impossible for me to take a different attitude in my negotiations with Messrs. Blanchard or Barnaud. M. Frossard is convinced that the Government, after initial hesitation, would eventually give its approval and in the meantime he has made a number of preparations for the reestablishment of the company.

He said he already had the statutes drafted and hoped the draft would be ready for me to take on my pending trip to Germany (Monday night, 3 March).

At the present time, he is trying to find a suitable building as the headquarters of the new company. He would like to submit suitable propositions to the German group upon its return to Paris. He also has conducted negotiations concerning the closing down of Crois-Masquehal and Labbeux & Canoll. He would

(page 21 of document)

contact Steiner early next week. He mentioned, furthermore, that he proposed to use the services of his friend Thosnar, who would become a member of the Aufsichtsrat of the new company, for active collaboration in the management.

Frossard is a very active person and it is obvious that he is extremely interested in setting up the new company as quickly as possible, because any business with the Unoccupied Zone, both in dyestuffs as well as in intermediate products, is still prohibited for the French group. The output of the plants is constantly decreasing and he stated that the entire French chemical industry would suffer serious damage if these conditions continued for any length of time. Furthermore, he mentioned that he hoped he would be able to resume the shipments of dyestuffs to the unoccupied area as soon as the basic decision for the establishment of the new company is made. He would then undertake the necessary steps with all possible speed, in order effectively to suppress Swiss dyestuff imports.

Plant in Rime. Frossard requests that the factory in Rime, which belongs to KUHLMANN and which has an approximate monthly production of 30-50 tons of cheap dyestuffs be inspected by a technician delegated by I.G., so that a decision may be reached as to whether the plant is to be sold or to be closed down or is to continue in operation.

Muehlhausen. Frossard brought up the question as to I.G.'s attitude in regard to continued deliveries of Muehlhausen products to C.I.G. Although Herr Eckert informed me that there would be no intention of permitting C.I.G. to market Muehlhausen products, I refrained from answering this question on the assumption that it probably would be advisable to make I.G.'s point of view known at the next conference.

(page 22 of document)

Oissel. Kuhlmann was allegedly asked to manufacture Kolinit in the government-owned part of the plant at Oissel. Frossard is of opinion that the facilities of the other two French production plants would be adequate to cover the specified requirements and, moreover, would be less exposed to British air attacks. Quite apart from the fact that at the present time he has no workers available skilled in this field of production and consequently explosions and other mishaps might possibly occur, he is of opinion that the British would learn of this production and a bombardment of the plant would have to be expected. He would like to hear I.S.'s standpoint on this question, in view of the fact that the larger part is owned by Kuhlmann and is to be brought into the new company. I answered him that it would probably prove possible to settle this matter in Paris, through the intermediary of Dr. Kolb or of the Arment Inspectorate, and that I would make the necessary arrangements.

Kaurit Glue. In the course of the conversation, Frossard also mentioned that, in the meantime, Kuhlmann had made further progress in the manufacture of Kaurit and was also able to market Kaurit in powder form. He proposed to send me samples of this product at an early date.

signed: KRUIER

Management Department Dyestuffs.

(page 23 of document)

I, Dr. Walter S i e m e r s, Attorney-at-Law in Hamburg, at present serving as Defense Counsel in the proceedings before the American Military Tribunal, Nuremberg, Germany, herewith attest that the attached document

Letter dated 14 March 1941 from M. Bichelonne/Ministry of Labor and Production, Paris,

to

General Michel, Chief of the Economics Department of the Military Government of France,

is a true and correct copy of the original document to be found in the files of I.G. Farbenindustrie Aktiengesellschaft in Frankfurt, on the subject of the agreement with Societe Anonyme Matieres Colorantes et Produits Chimiques "FRANCOLOR", Paris.

Nuremberg, 20 February 1948

signed: (Dr. Siemers)

(Page 24 of document)

Minister
of Industrial Production and Labor

FRANCE

Secretariat General
of
Industry and Internal Trade

Paris, 14 March 1941

MANAGEMENT
of the
CHEMICAL INDUSTRY

STATE SECRETARY
for
PRODUCTION

No. 285 C O/D.I.C.

TO:
GENERAL MICHEL
Chief of the Economics Division
of the Military Government
of France

Wl. II/21181 - 47

General Michel,
Sir,

You were kind enough to send me the minutes of the meeting held at 16.30 hrs. at the Hotel Majestic in Paris on 12 March 1941, on the foundation of a Franco-German dyestuffs Company.

I have the honor to inform you that the terms recorded in these minutes meet with my agreement.

I remain, Sir,

Yours obedient servant,

For and on behalf of the Minister

Councillor of State,
Secretary General for Industry and Commerce

Signed: Bichelonne

(page 26 of document)

I, Dr. Walter S i e m e r s, Attorney-at-Law in Hamburg, at present serving as Defense Counsel in the proceedings before the American Military Tribunal Nuremberg, Germany, herewith attest that the enclosed document, Letter dated 27 March 1941 from the Ministry of Finance, Paris to General Michel, Chief of the Economics Department of the Military Government of France, is a true and correct copy of the original document to be found in the files of I.G. Farbenindustrie Aktiengesellschaft in Frankfurt on the subject of the agreement with Societe Anonyme de Matieres Colorantes et Produits Chimiques "FRANCOLOR", Paris.

Nuremberg, 20 February 1948

Signed: (Dr. Siemers)

(page 27 of document)

Minister of Finance

Paris, 27 March 1941

Minister's Cabinet

General Delegation
for Franco-German Economic Relations

General Michel,

Sir,

You were kind enough to send me the minutes of the meeting held at the Hotel Majestic, Paris, on 18 March last, on the subject of the foundation of a Franco-German dyestuffs Company.

I have the honor to inform you that the terms recorded in this minutes meet with the agreement of the French Government.

I remain, Sir,

Yours obedient servant,

Signed: Barnaud

To:

General MICHEL

Chief of the Economics Division of the Military Government of France.

A f f i d a v i t .

I, Dr. Berthold WINK, residing at Leverkusen-Miesdorf, Goethe-Platz 4, a German national, have been warned that I shall render myself liable to punishment for making a false affidavit.

I declare on oath that my statement is true and was made voluntarily and without compulsion in order to be submitted as evidence to Military Tribunal No. VI at the Palace of Justice, Nuremberg, Germany.

From the establishment of the Francolor onward I have been a member of the technical commission of this enterprise and conducted on various occasions negotiation in technical fields with the French dye-stuff factories even before the establishment of the company. I was informed of all important events by the transmission of copies of the documents in question.

There is in my files among other things the original carbon copy of undated draft of the Directorate Department Dye-Stuffs for a letter to the Etablissements Kuhlmann, Paris, with the reference "Dye-stuff-orders.

Four letters to Dr. Kramer of 29 May and

3 June of this year. Exportation T.O. MF-MH and RH-IH."

This draft was sent to me with an enclosed letter of the Directorate Department Dye-Stuff, Frankfurt/Main and was sent to the Etablissements Kuhlmann, Paris after my approval was given by telephone. The French firm acknowledged the receipt of my letter and the acceptance of the order (under reference; Commando H..1) by letter of 1 July 1941.

(page 29a of document)

I herewith attest that the enclosed photostat which comprises 8 pages was copied from the original carbon copy of the draft which is in my files.

Leverkusen, 16 March 1948.

signed Dr. Berthold WENK
(Dr. Berthold Wenk)

Certificate: I herewith attest and certify the above signature, recognized by me, of Dr. Berthold Wenk, residing at Leverkusen-Wiesdorf, Goethe-Platz 4 which was appended in my presence.

Leverkusen, 16 March 1948.

signed Dr. Hugo SCHRAMM
(Dr. Hugo Schramm)

Attorney and Defense Counsel.

I. G. FARBENINDUSTRIE AKTIONSGESellschaft

Directorate Department Dye-Stuffs

Telegram Address:	Telephone:	Teletype:	Business Hours:
Igefarben	Local and Express	Reichspost	8-17 1/4 hours
Frankfurt/Main	calls:	Koeln No.24	Saturday
	Frankfurt/Main 20027		8-12 1/4 hours
	Out of town calls:		
	Frankfurt/Main 20022		

Accounts:	Mailing Address:
Reichsbank Current Account No.82	I.G. Farbenindustrie
Frankfurt/Main	Aktiongesellschaft
Postscheckkonto 241 (Frankfurt/Main)	Frankfurt/Main 20,
	Gruenoburgplatz

Etablissements Kuhlmann,
Paris, Frankfurt/Main 20

Dyestuff orders.

Your letters to Dr. Kramer of ²⁹May and 3 June of this year, Exportation F.O. MF-MH and RH-IH.

We confirm the conversation between Dr. Monk and Eckert and Mr. Francois in Paris on the 18 inst. We on our part explained in this conference that the production program drawn up by the gentlemen of the technical commission which concerns with a few exceptions the products formerly delivered according to a barter agreement cannot be considered by itself as an order for delivery to Germany. When the first production program was drawn up the technical commission rather provided such quantities for the individual dye-stuffs as corresponded approximately with the capacity of the plants. Thus a non-compulsory program of approximately 1 200 tons quarterly - 5000 tons annually was arrived at. You wanted to submit suggestions concerning the 2000 tons still needed to make up the quantity of 7000 tons yearly which was envisaged. These suggestions were also discussed in the meantime.

It was understood that your requirements for France and her colonies as also for

(page 31 of document)

Belgium, Spain and Portugal should be taken from the quantities provided for in the production program.

We then agreed to consider as a first order the quantities mentioned once more in the enclosure, viz.:

	<u>Type</u> kg	<u>Concentration</u> kg	<u>Net Value in RM</u> RM
Kuhlmann	609 000	502 950	1 483 336.--
St. Denis	370 000	342 500	846 944.--
St. Clair	<u>175 000</u>	<u>167 000</u>	<u>322 560.--</u>
	1 162 000	1012 450	2 652 840.--
	-----	-----	-----

The order is given under the condition that the delivery takes place not within a time limit, but nevertheless as soon as possible. We counted in this connection on a final time of delivery of 6 months, because you are unable to produce the quantities provided earlier. We are still expecting from you further particulars about it.

It was furthermore agreed that you would inform us about the quantities of the products, listed in the enclosure, stored and available in your plants, in case that you have such stores, so that we can learn what quantities can already be delivered to us beforehand as part delivery of the said order. We would treat the 5 600 kg of Naphtalingruen 20-100 already delivered as a part of this. The question arises, whether the next 5600 kg shall remain in the first order.

In principle the quantities concerned shall be delivered all at once. In the cases, however, in which the delivery of the total quantities does not appear practical, we agree to the delivery of large instalments.

As to the winding up of the delivery, it was agreed to effectuate it in the same way as done in the former deals involving deliveries on the basis of barter.

(page 32 of document)

Will you, therefore, send 3 average samples of 100 gram each of every delivery to the I.G. Farbenindustrie Aktiengesellschaft, Frankfurt (Main) 20, Grubenurgplatz, Directorate Department Dye-Stuffs. We will compare the merchandise as to conformity of type and strength with our corresponding products and send you a report on the condition and particulars on the time of delivery.

As far as the prices are concerned we want in all clearing documents, such as bills, foreign exchange certificates, etc. only the prices mentioned. The net prices in M are listed in the order enclosed. We also filled in at the same time the prices for the following products not contained in the barter program until now:

Alizarinblauschwarz B
Naphtholgelb S
Alizarincyanningruen G extra.

Prices are understood to include packing, delivered free German frontier, without any additional dues.

There exists no reason for the payment of a "Retenue de Péréquation" as already mentioned at Paris. We are, therefore, unable to undertake such payment. It follows from the comparison of the net prices in French francs with the sales prices charged by you in France that the quotations of your deliveries to us are lower in a whole number of cases than your sales prices in France. The reason for the introduction of a "retenue de péréquation", viz. that the French supplier receives a higher price in the exportation business than in France does not apply to the dye-stuff deliveries to us. We are unable, on the other hand, to make higher expenditures, because the increase of the deduction from 20% of the former gross price to 35% takes not only into consideration that the former clearing basis of the cartel cannot be applied any more, but that a considerable reduction of the sales prices had to take place lately in

(page 33 of document)

Germany, for which territory the orders are mainly given. We ask, therefore, that you take the necessary steps with those of your authorities which are in charge of such matters so that your deliveries to Germany are exempted from the "retenue de péréquation". For the reasons described we are also unable to pay the Taxe de transaction.

We shall apply now for the foreign exchange certificates required and the other approvals required of German authorities. It seems appropriate to pay in every case at the end of the month for the deliveries made during the months concerned. We hope that this is convenient to you.

Very truly yours

I.G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

(page 34 of document)

<u>Enclosure</u>		<u>Order No.1</u>	a) <u>Fts. Kuhlmann</u>	
Quantity Type	Quantity of merchandise intended for delivery	Product	Net price	Net value of purchase
Kilogram	Kilogram		1k.	1k.
10 000	10 000	Siriuslichtblau RRR	5.00	58.800.--
10 000	10 000	Siriuslichtblau G	5.53	55.300.--
10 000	5 900	Siriuslichtorange 3R 59-100	6.24	36.816.--
8 000	4 000	Disminogenblau NA 50-100	6.95	27.800.--
20 000	5 600	Naphtalingruen V 28-100	10.40	58.240.--
6 000	3 600	Patentblau A 60-100	5.85	21.060.--
6 000	3 000	Patentblau V 50-100	7.83	23.490.--
2 000	2 000	Zosin G konz.	5.79	11.580.--
3 000	3 000	Rhodamin B extra	7.31	21.930.--
2 000	2 000	Rhodamin 6GDN extra	11.96	23.920.--
6 000	6 000	Indanthrenblau RSN powder	13.--	78.000.--
2 000	2 000	Indanthrenblau GCDN powder	21.13	42.260.--
5 000	5 000	Diamingruen G	2.70	13.500.--
5 000	3 5 00	Amidonaphtelrot 6B 70-100	5.66	19.810.--
15 000	8 250	Amidonaphtelrot G 55-100	4.94	40.755.--
40 000	26 000	Amidoschwarz 10B 70-100	3.19	89.320.--
10 000	5 700	Chromogenschwarz ETCC special (57-100)	3.41	19.437.--
20 000	12 000	Diaminbraun M 60-100	4.65	55.800.--
50 000	50 000	Direktiefschwarz E extra	1.53	76.500.--

(page 35 of document)

100 000	60 000	Direkttiefschwarz R? extra 60-100	7.54	152.400.--
20 000	20 000	Echtbeizenblau B	4.62	92.400.--
10 000	10 000	Saeurethraconbraun RH extra	4.23	42.300.--
10 000	6 000	Sulfocyanin 5R extra 60-100	3.61	21.660.--
30 000	30 000	Sulfocyaninschwarz BB	1.56	<u>46.800.--</u>
400 000	295 550		balance:	1.129.878.--

(page 36 of document)

Quantity Type	Quantity of merchandise intended for delivery	P r o d u c t	Net price	Net value of purchase
Kilogram	Kilogram		lik.	lik.
400.000	295 550	balance;		1.129.870.--
5 000	3 400	Anthracongelb BH 68-100	3.32	11.288.--
100.000	100 000	Diaminschwarz BH	1.30	130.000.--
50 000	50 000	Orange II	1.04	50.200.--
2 000	2 000	Saurocalizerinflh- van R	4.42	8.840.--
30 000	30 000	Chicagablau 6 B	1.92	57.600.--
2 000	2 000	Diaminogen extra	3.15	6 300.--
8 000	8 000	Columbiaschwarz FF ex.	2.08	16.640.--
5 000	5 000	Alizarinblauschwarz B	4.55	22.750.--
3 000	4 000	Alizarinoyaningruon G extra powder	10.66	42.640.--
<u>609 000</u>	<u>502.950</u>			<u>1. 483.336.--</u>

(page 37 of document)

Enclosure

b) St. Denis

Order No. 1

Quantity Type	Quantity of merchandise intended for delivery	Product	Net price	Net value of purchase
Kilogram	Kilogram		flk.	flk.
10 000	6 500	Amideblau GG R 65-100	4.55	29.575.--
30 000	15 000	Benzoblau BB .50-100	2.54	38.100.--
20 000	20 000	Benzoechtscharlach 4BS	3.74	74.800.--
100 000	100 000	Directtiefschwarz E extra	1.53	153.000.--
30 000	30 000	Benzoechtschwarz L	2.54	76.200.--
15 000	10 500	Sulfocyanin GR extra 70-100	4.06	42.630.--
40 000	40 000	Nebanilgelb extra	2.47	98.800.--
50 000	50 000	Orange II	1.04	52.000.--
20 000	15 000	Tartrazin 75-100	3.77	56.550.--
10 000	10 000	Methylenblau Ia	5.01	50.100.--
8 000	8 000	Viktoriablau B hochk.	5.69	45.520.--
12 000	8 400	Auramin kenz. (70-100)	3.48	29.232.--
15 000	12 000	Methylviolett 2 B 80-100	4.55	54.600.--
3 000	2 100	Formylviolett S4B 70-100	6.47	13.587.--
5 000	5 000	Allgruen BS	1.63	8.150
<u>10 000</u>	<u>10 000</u>	Chrycoidin A	2.41	<u>24.100</u>
<u>378.000</u>	<u>342.500</u>			<u>846.944.--</u>

(page 38 of document)

Enclosurec) St. Clair du RhoneOrder No. 1

Quantity Type	Quantity of merchandise intended for delivery	Product	Net price	Net value of purchase
Kilogram	Kilogram		flk.	flk.
10 000	10 000	Diaminechtgelb A	2.18	21.800.--
20 000	20 000	Diamingruen B 60-100	4.68	56.160.--
50 000	50 000	Direkttiefschwarz B extra	1.53	76.500.--
15 000	15 000	Brillanteroccein MOO	2.18	32.700.--
40 000	40 000	Orange RO	1.14	45.600.--
30 000	30 000	Kunstseidenschwarz C	2.05	61.500.--
<u>10 000</u>	<u>10 000</u>	Vesuvin RM	2.83	<u>28.300.--</u>
<u>175 000</u>	<u>167 000</u>			<u>322.560.--</u>

A f f i d a v i t .

I, Dr. Berthold W e n k, domiciled at Leverkusen-Wiesdorf, Goethe-Platz 4, German citizen, have been warned that I shall be liable to punishment for making a false affidavit.

I declare on oath that my statements are true, and that they were made voluntarily and without coercion in order to be submitted as evidence to Military Tribunal No. VI at the Palace of Justice in Nuremberg, Germany.

I have been a member of the Technical Committee of Francolor from time of its establishment. Even before this Company was formed I had on several occasions conducted negotiations with French dyestuffs factories in the technical field. I was kept informed of all important events by the copies of the relevant documents which were sent to me.

Among other things; I have on file a photographic copy, received by me on 11 July 1941, from the Dyes Directorate Department of Frankfurt on Main, of a letter from the Reich Office Chemistry (Reichsstelle Chemie), dated Berlin 9 July 1941. This was sent by the latter under the heading: "F a r b s t o f f v e r l a g e r u n g n a c h F r a n k r e i c h" (Shifting of Dyestuff Production to France) to I.G. Farbenindustrie, in F r a n k f u r t o n M a i n, G r u e n e b u r g p l a t z for the attention of Direktor Kufuss.

I herewith confirm that the attached photographic copy, consisting of one page, was made from the original photographic copy in my files.

Leverkusen, 16 March 1948

signed : Dr. Berthold Wenk
(Dr. Berthold Wenk)

Attestation: I herewith certify that the above signature - recognised by me to be genuine - of Dr. Berthold Wenk, domiciled at Leverkusen-Wiesdorf, Goethe-Platz 4, was made before me on 16 March 1948.

Leverkusen, 16 March 1948

signed : Mr. Hugo Schramm
(Dr. Hugo Schramm)
Attorney-at-Law and Defense Counsel

Address: Berlin W 35 Sigismundstr.5	Telephone: 22 99 21 - 25	Cable address: "Uewachemie"	Bank Connections : Postscheck-Konto: Berlin 96820 Banking Account: Reichskredit-Ges., Berlin W Section VII-804
	Calls: Only on Tuesdays and Friday, from 10 to 12		

Reich Office "Chemistry", Berlin W 35, Sigismundstr. 5

To
I.G. Farbenindustrie A.-G.
for the attention of Direktor Kufuss
Frankfurt on Main.
Gruenebergplatz

Reference, date, and subject to
be quoted in all letters,

Your reference;	Our letter of :	My file number	Date:
-	-	Dr.v.E.-Fz.	9 July 1941

Subject: Shifting of Dyestuff production to France.

I herewith confirm that at the suggestion of the Reich Ministry of Economics I have given instructions to you to shift your dyestuffs production to France to the extent of 8,000 tons a year. In this figure are included France's own requirements and those of her colonies, which since the armistice have been chiefly produced from Germany. The following firms have been chosen to take charge of this production : Compagnie Nationale des Matières Colorantes et Manufactures des Produits Chimiques du Nord Réunies Etablissements Kuhlmann, Paris, Société Anonyme des Matières Colorantes et Produits Chimiques de St. Denis, Paris, and Compagnie Française des Produits Chimiques et Matières Colorantes de St. Clair-du-Rhône, Paris.

I request you to assist the responsible offices in France, the French factories in carrying out the manufacture of dyestuffs which has been shifted by I.G. to France,

Document Schnitzler No. 52

Exhibit No.

(Page 41 of document)

by allocating the necessary preliminary products, raw and auxiliary materials for the production, and for the repair and maintenance of the plants concerned.

The Reich Plenipotentiary

by (In Vertretung) signed: v. Signature

All letters should be addressed to the Reich Office (Reichsstelle) and not to individual persons. The above mentioned file numbers should be quoted.

A f f i d a v i t .

I, Dr. Berthold Wenk, domiciled at Leverkusen-Wiesdorf, Goethe-Platz 4, German citizen, have been warned that I shall be liable to punishment for making a false affidavit.

I declare on oath that my statements are true, and that they were made voluntarily and without coercion in order to be submitted as evidence to Military Tribunal No. VI at the Palace of Justice in Nuremberg, Germany.

I have been a member of the Technical Committee of Francofcolor from the time of its establishment. Even before this Company was formed I had on several occasions conducted negotiations with French dyestuffs factories in the technical field. I was kept informed of all important events by the copies of the relevant documents which were sent to me.

Among other things, I have on file a copy of an authorisation for an order from the Central Office of the Military Commander in France, sent to me by the Dyestuffs Directorate Department in Frankfurt on Main dated 15 August 1941 concerning 8000 tons of dyestuffs.

I herewith confirm that the attached photographic copy, consisting on one page, was made from the original copy in my files.

Leverkusen, 16 March 1948

signed : Dr. Berthold Wenk
(Dr. Berthold Wenk)

Attestation : I herewith certify that the above signature - recognised by me to be genuine - of Dr. Berthold Wenk, domiciled at Leverkusen-Wiesdorf, Goethe-Platz 4, was made before me on 16 March 1948.

Leverkusen, 16 March 1948

signed : Dr. Hugo Schramm
(Dr. Hugo Schramm)

Attorney-at-Law and Defense Counsel

(Page 43 of document)

Copy.
Central Office
of the
Military Commander in France Paris, 15 August 1941

Vg.-Sch.

Authorisation for an Order. -

Autorisation de Commande

No. ZASTF (Zentrale Auftragsstelle Frankreich - Order
Center for France) 5 25301 VIII-41

To
I.G. Farbenindustrie A.G. Frankfurt on Main
through
SOPI (Société pour l'Importation de Matières Colorantes et des
Produits Chimiques, Paris)
Paris 16e, 32-34, rue Galilée

Re: Order application of 15 July 1941

The Zentralfauftragsstelle (Order Center) approves the order as
mentioned hereunder: -

Party placing the order : I.G. Farbenindustrie A.G., Frankfurt on Main
through SOPI, Paris 16e.

Party executing the order : Union Syndicale des Fabricants de Matières
Colorantes, Paris, 1. Cie. Nationale des
Matières Colorantes et Manufactures des Pro-
duits Chimiques de Nord Réunies Ets. Kuhlmann,
Paris, 2. Ste. A. des Matieres Colorantes et
des Produits Chimiques de St.-Denis, Paris
and 3. Cie. Francaise des Produits Chimiques
et Matieres Colorantes de St. Clair du Rhône,
Paris.

Commodity ordered : (Kind and quantity) 8000 tons of Dyestuffs.

Value of the order : about RM 40.000.000.--

Time of delivery: after production.

Special remarks: Permit issued at the request of the Reich Plenipotentiary

Chemistry with the consent of Military Commander in
France, dated 11 August 1941 - No.21152-222 Chem.
(Chemicals).

Party placing the order.

By order
signed: Signature

FILE MEMORANDUM

concerning the German-French conference of 16/19 June 1941,

German-French Dyestuff Agreement.

In connection with the final version of the amended drafts of the "Convention" and of the statutes, the following questions were discussed:

- 1) Estimate of the value of the objects to be brought into Francolor by the French group.
- 2) Carrying out of the 51% participation of I.G. through the surrender of I.G. shares.
- 3) Purchase of stocks of raw materials and auxiliary products, intermediate products and finished articles by Francolor.

The object of the various discussions and the agreement reached are recorded as follows:

To 1: Estimate of the value of the objects to be brought into Francolor by the French group.

The figures submitted by the French group at the beginning of May 1941 furnish the following data important for the estimate of the value of the objects to be brought in:

a) The turnover of dyestuff products, as well as of the "produits divers" was stated by the French group to be as follows:

	<u>1938</u>	<u>1939 (1st sem. x 3)</u>
	Mill. ffrs.	Mill. ffrs.
Kuhlmann	358	451
St. Denis	153	189
St. Clair	<u>68</u>	<u>80</u>
	<u>579</u>	<u>720</u>

These values are the total of the individual sales tel quel, i.e. without corrections on account of the devaluation of the Franc.

They include

(page 45 of document)

the internal deliveries, the extent of which M. Frossard in the course of the discussion stated to be 3,3 %.

The French group revalued the actual turnover in accordance with the "Franc 1940", by which procedure the following values were obtained:

	<u>1938</u>	<u>1939 (1st sem. x 2)</u>
	Mill.ffrs.	Mill. ffrs.
Kuhlmann	448	501
St. Denis	192	210
St. Clair	<u>85</u>	<u>89</u>
	725	800
./. internal deliveries	<u>24</u>	<u>26</u>
	<u>701</u>	<u>774</u>

In discussing these figures, I.G. pointed out that a doubling of the figures for the first semester 1939 does not necessarily furnish a correct basis for the final result.

b) In further discussions, the French group determined the value of the landed properties, buildings, plants and other objects, basing its findings on the total of the purchase values and disregarding depreciation. They arrived at the following results:

	Mill. ffrs.
tel quel values for all objects	502,5
after re-valuation, taking as basis an index showing the price developments of 25 items	901
after re-valuation, taking as basis an index showing the price development of 7 products of the "minerais et metaux" group	1,108
calculation based on the devaluated "Gold Franc"	1,674

(page 46 of document)

Contrary to the data specified under a) and b), I.G. assumed that, in the case of Francolor, the formula "Turnover equals Capital" (i.e. disregarding the fact that the St. Denis plants have a certain backlog of orders and that the sale of their products, particularly of those of the indigo plant, was not fully assured) could be applied on the whole, and arrived at the following estimate:

	RM
7,000 tons normal turnover of Francolor - excluding indigo and sulphur black (Schwefel- schwarz) at RM 4.- per kg	28,000,000
Value of the indigo and sulphur black turnover	2-3,000,000
Turnover to date in the "produit divers", approximately	6,000,000
(The proportion of the latter, according to the French group, as compared with dyestuffs, is as follows: Kuhlmann 35:65, and Francolor 15:85)	
	36 - 37,000,000

converted at the rate of 1:20 equals 740,000,000 ffrs.

Based on the figures as shown under a) - b) and on the above estimate, the following agreement was reached in the afternoon of 19 June 1941:

"The value of the landed properties, buildings, plants and other objects to be brought into Francolor by the French group is stated as Ffrs. 800,000,000.--. It was decided that the capital stock of Francolor will equal this amount. It is understood thereby that the French group on its part will make available to Francolor the amount of Ffrs. 50,000,000 as a "caisse de retraite" (withdrawal fund).

The values to be shown in the initial balance sheet will be determined in due course by mutual agreement. An agreement has already been reached to value the landed properties and buildings as low as possible in order to utilize fully, in the case of plants, apparatus, etc., all possible means of making deductions for depreciation.

(page 47 of document)

The three parent companies are to contribute to the establishment of Francolor as follows:

Kuhlmann with	60,834 %
St. Denis with	27,227 %
St. Clair with	<u>11,897 %</u>
	<u>100,003 %</u>

To 2: Carrying out of the 51% participation of I.G. by the surrender of I.G. shares. -----

With the capital stock of Francolor, now fixed at 800 million Ffrs. - issuance at par - the 51 % participation of IG amounts to

ffrs. 408,000,000.-

i.e. RM 20,4 Mill. nominal value

at the rate of 20 Francs = RM 1.-

At first it was proposed to the French group that the I.G. shares to be surrendered be valued at the rate of 200, so that IG shares of nominal value RM 10.2 million would represent the countervalue for the 51 % participation.

Thereupon, the French group, however, pointed out that the rate of 200 per I.G. share would be too high.

Bearing in mind future price policy and future sales conditions, savings in production and rationalization of the sales assortments, it is anticipated that Francolor will always be in a position to distribute 6 % or even 8 % dividends. M. Frossard estimates the gross profit, without depreciations, to amount to at least Ffrs. 200,000,000.-.

After writing off a maximum depreciation of 15 %, i.e. Ffrs. 120,000,000 there remains a net profit of Ffrs. 80,000,000.-, prior to the deduction of taxes. If Francolor pays a 6 % dividend and the IG rate is fixed at 200, the returns for IG and for the French group will be (in round figures) as follows:

(page 48 of document)

IG is to receive 6% of Francolor shares
of RM 20,000,000 nominal value = 1,2 mill. RM

IG is to pay, or the French group is
to receive, 8% of IG shares of
RM 10,000,000 nominal value = 0,8 mill. RM

In connection with this calculation, IG claimed the following:

- a) The general economic conditions in France might bring about a substantial increase of cost prices. It is therefore doubtful whether it will be possible to increase the sales prices correspondingly.
- b) The rationalization of the works will require substantial expenditures and will thus in advance diminish the returns for at least the first few years.
- c) The same applies to expenditures for social welfare, settlement dwellings, etc.
- d) The intrinsic value of IG shares is substantially higher than the value based on a rate of 200. IG will accordingly avail itself of the opportunity of increasing its capital stock, a matter which at present is being discussed in the Reich.

After the nominal amount of the capital stock has been newly fixed and the war is ended, it will be entirely possible for IG to pay a higher dividend than 8% of the present nominal capital.

Nevertheless, there is a discrepancy as far as profitableness is concerned, for which allowance might be made to a certain extent by the rate of exchange fixed for an IG share, or by some arrangement, such as perhaps a cash advance on profits to the French group. As far as settlement on the latter basis was concerned, there was internal hesitation, because in practice discussions would arise every year concerning the extent of dividend adjustments and

(page 49 of document)

the handling of the matter would become particularly complicated, in the event of the ratio of the Mark to the French franc being later re-established. Consequently, the proposition was accepted that a settlement be brought about by a single adjustment of the rate of exchange by way of a forfeiture and the procedure for this purpose be based on the pre-war quotation of IG shares. The French group accordingly proposed a rate of exchange of 150 which was actually quoted during the whole month of June 1939. In view of the fact that all stocks were taken over (see item 3) of this file memorandum) on the basis of pre-war cost prices - a very advantageous form of settlement for the IG - it appeared advisable to accept in principle the proposal of the French group. A rate of exchange of 160 instead of 150 was agreed upon, in view of the fact that a "Besserungsschein" (a warrant authorizing the holder to a better rate of exchange) had been granted when the stocks were to be taken over at pre-war cost prices.

In order to acquire Francolor shares to the nominal value of 408 million Ffrs = RM 20,400,000 at the rate of 160, IG has to surrender IG shares to the nominal value of 12,750,000.

If Francolor actually pays 6 % and IG continues to pay 8 % on the existing nominal capital, the result will be the following:

IG will receive 6 % on 408 million Ffrs.	= 24,8 million Ffrs.
	£ 20
	= 1,224,000 RM

the French group will receive 8%	
on RM 12,750,000.-	= 1,020,000 RM

In view of the above arguments brought forward by IG, the French group is ready to give way in the matter of the theoretical difference which still remains to their disadvantage.

(page 50 of document)

To 3: Purchase of stocks of raw materials and auxiliary products, intermediate products and finished articles by Francolor.

It is known that Francolor will purchase stocks, and the financial means required for this purpose as well as the necessary operating capital exceeding these amounts will be loaned by the German and French partners as "fonds de roulement".

Prior to the meeting, the IG had internally drawn up the following estimate concerning the value of the stocks and the amount of the operating capital;

Internal and external stocks of finished articles approximately 4 million kg.	
Calculated at half of the average normal sales price of RM 4.-, i.e. RM 2.-	= RM 8 million
Taking over of the preliminary products and technical stocks in the works	= " 2,5 "
Operating capital for the period of initial operation	= " 7,- "
Total value of the "fonds de roulement"	<u>17,5 Mill. RM</u>

In the meeting, the following procedure was agreed upon as the basis for the taking over of all internal and external stocks of finished products, provided they are not located in enemy countries, as well as of intermediate products:

Actual average cost price in the first term of 1939 plus 13½ %, plus actual costs for wrapping, transportation and customs duties, if merchandise stored in foreign depots is involved;

The actual cost price without any addition will be taken as the basis, if raw materials, auxiliary products or technical stocks are involved.

The difference resulting from the decreased value of the French franc will be made up by the increase of 13½ %, which will also cover all other costs, such as storage etc.

This settlement may be considered very favorable and will probably result in lower values than those listed under 3) amounting to 8 million and 2,5 million respectively.

(page 51 of document)

The required "fonds de roulement", which the French themselves estimate to be approximately 40 % of the capital stock, i.e. RM 16,000,000.--, will be made available in equal parts by the French group and by IG, and will be raised by the latter by means of a bank loan at 6 % per annum.

It might be of interest to mention the original request of the French group, and particularly of St. Denis, which was expressed in connection with the discussion in reference to item 3), viz., to grant the parent companies a "sales profit" when Francolor takes over the stocks, and, furthermore, when fixing the purchase price, to take into account the cost prices, which of course, had increased considerably in view of the restricted production, etc., It was possible to turn down this request for the following two reasons:

- a) If plants are sold as going concerns, the estimate of their values can be based only on the cost prices, irrespective of whether the stocks are included or are assessed separately. An estimate of the value based on the sales price would be justified only if the plants were acquired not as going concerns but for the purpose of liquidation and if the plants, etc. were consequently estimated at a lower value. Apart from that, the French group would, as a shareholder of the Francolor, in any case participate to the extents of 50 % in the sales profits.
- b) If the estimate of the value of the plants, etc., is based on normal conditions, primarily on a normal dyestuffs production of 7,000 tons, i.e. on pre-war production, it appears logical and just to apply the same principle in estimating the stock values.

signed: G. v. Schnitzler

It is hereby certified that the above is a correct copy of the original kept in the local files.

Frankfurt/Main, 6 March 1948.

signed: Hans Muench
(Hans Muench)

The above signature of Herr Hans Muench, residing in Frankfurt/Main, appended before me, Helmut Henze, Attorney-at-Law, is hereby certified and attested.

Frankfurt/Main, 6 March 1948

signed: Henze
(Helmut Henze)

Document Schnitzler No. 55-57

Exhibit No.

(Page 52 of document)

Declaration by Attorney Dr. Walter Siemers;

The following three documents:

Schnitzler Doc. No. 55
Schnitzler Doc. No. 56 and
Schnitzler Doc. No. 57

are original statements of the three French firms:

Cie Nationale de Matières Colorantes,
Etablissements Kuhlmann,

Société des Matières Colorantes de St. Denis and

Cie. Française de Produits Chimiques de St. Clair-du-
Rhône,

which were given in this form by the three firms as basic figures
to serve as data in the German-French discussion of 16-19 June
1941 (see foregoing document Schnitzler No. 54).

(Dr. Siemers)

(Page 53 of document)

TURNOVER - KUHILANN F. O.

<u>Quota Sales</u>		<u>Non-quota sales</u>	
Sales entered	Value in Francs 1940	Sales entered	Value in Francs 1940
1936: 171.339.859.41	449.424.451.34	45.674.777.04	119.804.940.10
1937: 195.502.944.49	340.958.879.19	63.717.382.93	111.123.115.83
1938: 292.397.999.44	368.667.091.30	65.322.612.72	81.914.556.35
1939: 379.508.601.99	421.254.548.21	71.670.424.51	79.776.171.20
(1)			
1.038.750.105.33	1378.304.969.93	246.505.197.20	392.618.783.46

T O T A L S

Sales entered	Value in Francs 1940
217.014.636.45	569.229.391.33
259.221.327.42	452.001.995.02
357.720.612.16	440.501.647.65
451.379.026.50	501.030.719.41
1.285.335.602.53	1.970.523.753.41

(1) Figure covers 12 months

It is hereby certified that the foregoing copy is in conformity with the original here.

Frankfurt/Main, 6 March 1948.

(signed) HANS MUENCH
(Hans Muench)

The above signature of Mr. Hans Muench, resident in Frankfurt/Main, affixed before me, Attorney Helmut Henze, is hereby certified and attested.

Frankfurt/Main, 6 March 1948.

(signed): HENZE
(Helmut Henze)

(Page 54 of document)

TURNOVER - St. CLAIR

<u>Quota Sales</u>		<u>Non-quota Sales</u>	
Sales entered	Value in Francs 1940	Sales entered	Value in Francs 1940
1936: 44.993.360.75	118.017.606.21	1.732.483.80	4.544.305.—
1937: 51.409.230.75	89.657.698.42	2.347.922.65	4.094.777.10
1938: 65.607.320.35	82.271.589.75	2.077.303.80	2.604.938.95
1939: 78.126.202.20	86.720.084.45	2.276.705.85	2.527.143.50
240.136.130.05	376.666.978.83	8.434.416.10	13.771.164.55

T O T A L S

Sales entered	Value in Francs 1940
46.725.052.55	122.561.911.21
53.757.153.40	93.752.475.52
67.664.632.15	84.676.528.70
80.402.908.05	89.247.227.95
248.570.546.15	390.436.143.38

It is hereby certified that the foregoing copy is in conformity with the original here.

Frankfurt a./Main, 6 March 1948. (signed): Hans Muench
(Hans Muench)

The above signature of Mr. Hans Muench, resident in Frankfurt/Main, affixed before me, Attorney Helmut Henze, is hereby certified and attested.

Frankfurt/Main, 6 March 1948. (signed): HENZE
(Helmut Henze)

(Page 55 of document)

Stamp:
Société Anonyme
de
Matières Colorantes
Produits Chimiques
69, rue de Brocas
Paris (C)
Saint-Denis

COMPARATIVE TABLE OF SALES AND PROFITS
BEFORE VARIOUS AMORTIZATIONS.

BEFORE REVALUATION

	Profits	Sales	%
1936	23,044,163.50	94,562,592.30	25.21
1937	36,964,407.55	113,907,205.00	32.47
1938	49,394,932.25	153,176,951.05	32.24
1939	49,318,157.85	189,455,189.--	26.03
(I)			
	159,541,661.15	551,081,730.15	28.98

After Revaluation
based on value of paper franc 1940

	Profits	Sales	%
	62,543,240.85	248,037,679.60	25.21
	64,500,806.70	198,654,165.50	32.47
	61,941,245.--	192,082,096.55	32.24
	54,743,155.15	210,273,059.80	26.03
	243,728,447.70	849,046,801.45	28.70

(I) Profits and Sales covering 12 months

(Page 56 of document)

It is hereby certified that the foregoing is a correct
copy of the original here.

(signed) HANS LUENCH

The foregoing signature of Mr. Luench, resident in Frankfurt/
Main, was affixed before me, Attorney Holmut Henze, and is
hereby certified and attested.

Frankfurt/Main, 6 March 1948.

(signed) HENZE

(Holmut Henze)

(Page 57 of document)

FRANKFURTER BANK
Depository for trust property
Founded in 1854

A F F I D A V I T .

The undersigned

Carl K l o s e , resident in Frankfurt/Main, Burnitzstr. 6
and

August W o e b e r, resident in Frankfurt/Main, Niersteiner-
str. 9

employees of the Frankfurter Bank, Frankfurt a.Main, herewith
declare on oath, having been warned that they will render them-
selves liable to punishment by making a false affidavit, that
their statement is true and was made to be submitted as evidence
to the Military Tribunal in Nuernberg, Palace of Justice.

We herewith certify that in the official stock exchange list of
the Frankfurter Boerse the I.G. Farbenindustrie share was quoted
as follows on the days mentioned:

14 September 1940 -	187½%
15 March 1941 -	190%
15 December 1941 -	197½%

The stop quotation was established on 25 January 1943 at 177¼ for
I.G. Farbenindustrie shares.

Schnitzler No, 58

(Page 58 of document)

Increases in the price over and above this arose from the possibility of adding 1/12 monthly to the dividends to be anticipated.

Frankfurt/Main, 17 February 1948

signed: Carl Klose

signed: August Woeber

I herewith certify and witness the above signatures made before me by Carl Klose, resident in Frankfurt/Main, Burnitzstr. 6 and August Woeber, resident in Frankfurt/Main, Niedersteinerstr. 9.
Frankfurt a.Main, 17 February 1948 .

signed: Helmuth Henze

(Page 59 of document)

FRANKFURTER BANK
Depository for trust property.
Founded in 1854

AFFIDAVIT.

The undersigned

Carl K l o s e, resident in Frankfurt/Main, Burnitzstr. 6 and
August W o e b e r, resident in Frankfurt/Main, Niersteinerstr. 9
employees of the Frankfurter Bank, Frankfurt a. Main, herewith
declare on oath, having been warned that they will render themselves
liable to punishment by making a false affidavit, that their
statement is true and was made to be submitted in evidence to the
Military Tribunal in Nuernberg, Palace of Justice.

We herewith certify that in the official exchange lists of the
Frankfurter Boerse the French franc is quoted as follows on the days
mentioned:

a/ cash and paper money	per frs. 100.-	
	buying price	selling price
14 September 1940	RM 4.99	5.01
15 March 1941	RM 4.99	5.01
15 December 1941	RM 4.99	5.01

Frankfurt/Main, 17 February 1948

signed: Carl Klose

signed: August Woeber

Schnitzler No. 59

(Page 60 of document)

I herewith certify and witness the above signatures made before me
by

Carl Klose, resident in Frankfurt/Main, Burnitzstr. 6 and

August Woeber, resident in Frankfurt/Main, Niersteinerstr. 9.

Frankfurt a.Main, 17 February 1948

signed: Helmuth Henze.

(page 61 of document)
A f f i d a v i t .

I, Hans Muench of 7 Spenerstr. Frankfurt/Main, having been duly advised that I shall render myself liable to punishment by making a false statement, herewith declare on oath that my statement is true. It was made to be submitted in evidence to military tribunal No. VI, Palace of Justice, Nuernberg, Germany.

I am an employee of the I.G. Farbenindustrie A.G., now being dissolved. I work in the Control Office Frankfurt-Main. I have been asked by Dr. Siemers, defense Counsel, to make a statement on the valuation of I.G. share capital about 1940 - 1941. I should like to state the following :

1. The internal value of the company was not expressed in the stock exchange prices, as the public had no means of assessing the internal value. To a certain extent the property declarations of the I.G. which formed the basis of property tax assessments or the corporation tax balance sheets in accordance with which taxable income was calculated provide a means of assessing that value.

2. a) for purposes of property tax assessment I.G. made property declarations, on 31 October 1941 for 1 January 1941 and on 30 October 1943 for 1 January 1942 which eventually led to final assessments, the plants having been inspected by the Finance Office at Frankfurt (Main) - stock exchange, property tax decree dated 15 September 1943 for 1941, and property tax decree dated 27 November 1943 for 1942. The following figures have been taken from the documents listed above.

(page 62 of document)

<u>Taxable property</u>	RM for 1 January 1941	1 January 1942
	1.453.044.321	1.911.529.777
<u>property exempt from taxation</u> (assets free from property tax):		
participations enjoying special privileges for combines (Schachtelprivileg)	RM 579.128.885	646.842.617
property in countries with agreements concerning double taxation	RM 143.076.551	93.750.030
Property abroad, tax free in accordance with special regulations	RM —	54.694.442
Tax free plant for production of staple fibre	RM 44.121.550	—
Amount exempt from tax for investments in the East in accordance with Eastern tax regulations	RM 250.000	250.000
Money outstanding from last capital increase	RM —	66.675.000
<u>The total of</u>	<u>RM 2.219.621.307</u>	<u>2.773.941.866</u>

Represents the property of I.G. on the dates given as stated in the property tax declarations of I.G..

b) preference shares to the nominal value of RM 40 millions having been subtracted, the following figures result

	<u>1 January 1941</u>	<u>1 January 1942</u>
Assets in accordance with tax balance sheet	RM 2.179.621.307	2.733.941.866
Share capital	RM 723.200.000	900.000.000
<u>Proportion of values therefore</u>	<u>301%</u>	<u>304%</u>

The share capital as it was prior to the capital adjustment which was decreed on 29 May 1942 with effect from 31 December 1941, has been taken as a basis for comparison for 1 January 1942. By means of this adjustment of capital to the amount of RM 225,000,000.- the nominal value of the share capital was increased from RM 900,000,000.- to RM 1,125,000,000.- / payment on the part of the share holders without

(page 63 of document)

by making use of the provisions of a special law in accordance with which the evaluation of participation was increased in the balance sheet in proportion to the capital stock and to a special reserve for the adjustment of the conditional capital.

c) Apart from this, the share capital of I.G. was increased between the two dates mentioned as follows :

On 31 December 1940	RM	723,200,000.—
by Vorstand decree of 12 December 1940	RM	10,000,000.—
" 2 " " 10 July 1941	RM	26,800,000.—
" " " " 9 January 1942	RM	48,500,000.—
Exchange of conversion loan 31 December 1941	RM	91,500,000.—
As on 31 December 1941	RM	900,000,000.—

d) The following were the main reasons for the increase of property between the two dates mentioned:

Increase in capital	RM	176,800,000.—
agio		54,443,884.—
Increase of general reserve	RM	10,000,000.—
Adjustment of participations for purposes of correction of capital	RM	225,000,000.—
and of the special reserve for correction of conditional capital	RM	13,804,400.—
profit not distributed	RM	71,080,000.—

3.) a) The I.G. draw up corporation tax balance sheets for the purposes of corporation tax assessment and submitted them together with the income declarations on 28 June 1941 for 1940 and on 29 June 1942 for 1941 with addenda dated 16 November 1943 and 3 July 1944. The plants having been inspected, the Finance Office Frankfurt (Main)-Stock Exchange issued corporation tax decrees on 30 July 1943 for 1940 and on 16 August 1944 for 1941.

(page 64 of document)

I have taken the following figures from the documents mentioned above :

	<u>31 December 1940</u>	<u>31 December 1941</u>
Original capital	RM 763,200,000.--	1,165,000,000.--
Reserves	RM 241,105,113.--	319,353,397.--
Tax compensation	RM 1,013,269,558.--	1,216,332,000.--
Annual profit	RM 283,513,250.--	324,255,715.--
Total Property:	RM 2,301,087,921.--	3,024,941,112.--
Minus preference shares	RM 40,000,000.--	40,000,000.--
<u>The sum of</u>	<u>RM 2,261,087,921.--</u>	<u>2,984,941,112.--</u>

represents
/the property of I.G. on the two dates mentioned as stated in the corporation tax balance sheets of the I.G.

b) The following proportion of values compared with the share capital, leaving our of account the correction of capital for 1941, results therefrom :

313% at the end of 1940
331% at the end of 1941

c) The following are the main reasons for the difference of property shown in the property tax balance sheet and the corporation tax balance sheet :

- c. 1) different valuation of plants
- c. 2) " " " participations
- c. 3) " calculations of taxes due and of pension obligations.

4. Although the property itself is the same in both cases, the calculations led to different results, which come closer to the real value of the share capital than the commercial balance sheet drawn up for publication, but do not show up all the hidden reserves.

(page 65 of document)

5. Hidden reserves like that which do not appear in the tax balance sheets are mainly caused as follows :

a) The value of the fixed assets is calculated on the basis of purchase or production costs by means of deduction of certain rates of depreciation. These rates on the one hand exceed actual depreciation of the plants, whereas increases in value, viz. in real property, are not taken into account. The real value of the plants, which are supposed to serve the interests of the firm, is therefore higher than that given in the tax balance sheets.

b) Participations in other companies continue to be listed in the corporation tax balance sheets at the original purchase price, unless depreciations have been effected to make up for drops in value, whereas increases in value are not taken into account, unless they are actually realised when the participation is sold. Participations of 25% or more in German companies are exempt from property tax. For that reason they are deduced from the property at the same value with which they entered the calculations, their real value not being ascertained in all cases.

c) In view of the fact that it is impossible to obtain documentary material for the determination of the real value of patents trade marks and production processes and considering that purchase prices need not be exceeded when they are listed in tax balance sheets, they were listed in the tax balance sheets at rates which the firm liable to taxation endeavoured to keep as low as possible, and which did not represent the price at which the firm liable to taxation would have been prepared to sell those rights. In accordance with agreements made with the Finance Office concerned, these protective rights are valued in the tax balance sheets of I.G. on 31 December 1940 and on 31 Dec. 1941 at the small sum of

(page 66 of document)

RM 62,000.001.-- in each case.

d) Stocks of products for sale are valued in the tax balance sheets at purchase price, no account being taken of the margin of profit between that sum and the sum realised on sale.

e) Unless it has been bought the overall value of the firm (Firmenwert) represents property to be entered in the property- and corporation tax balance sheets.

6. For the reasons given in section 5 the property of I.G. as shown in their tax balance sheets must be considered as a minimum figure, which is lower than the amount which would have been realised had the company been dissolved and been forced to sell its property in normal circumstances.

Frankfurt-Main, 6 March 1948

signed : Hans Muench

I, Rechtsanwalt Helmut Henze herewith certify that the above signature is that of Herr Hans Muench of Frankfurt-Main, and that it was appended in my presence.

Frankfurt-Main, 6 March 1948

signed: Henze
(Helmut Henze).

(Page 67 of document)

I, Dr. Walter SIEMERS, Attorney at Hamburg, at present
Defense Counsel at the American Military Court at Nuernberg,
herewith certify that the attached document:

Letter from the I.G. Farbenindustrie Aktiengesellschaft,
Directorate Department Dye-stuffs,
Frankfurt/Main dated 26 June 1941

to the Reich Ministry of Economics, Berlin W 8, and
the Reich Ministry of Finance, Berlin,

re: German-French Dyestuffs Negotiations/
founding of the Société Anonyme de Matieres
Colorantes et Produits Chimiques Francolor

is a true and correct copy of the document contained in the
original files of the I.G. Farbenindustrie Aktiengesellschaft
concerning the agreement with the Société Anonyme de Matieres
Colorantes et Produits Chimiques "FRANCOLOR".

Nuernberg, 20 February 1948.

(Dr. SIEMERS)

(Page 68 of document)

I.G. FARBEINDUSTRIE AKTIENGESELLSCHAFT
Directorate Department Dyestuffs

To the

Reich Ministry of Economics, Berlin W 8, Behrenstr. 43

Reich Ministry of Finance, Berlin, Wilhelmplatz

Frankfurt(Main) 20, 26 June 1941.

B.

German-French Dyestuff Negotiations/
Founding of the Société Anonyme de Matières Colorantes
et Produits Chimiques Francolor.

1.- We refer to our applications to the Reich Ministry of Economics for the attention of Deputy Ministerial Director Dr. Hulert, of 25 January 1941 and of 20 March 1941, of which we again enclose a carbon copy. Already at the end of March approval on principle was verbally promised by the Reich Ministry of Economics for the application on page 3 of the letter of 25 January 1941.

Meanwhile a fundamental agreement with the French group on the valuation of the assets of the company to be newly formed ("Francolor") was arrived at during the recent negotiations which took place in Paris from 16-19 June of this year. The value of the land, buildings and installations of the various factories, including all rights concerning manufacture and sale -but excluding stocks of goods of any kind- brought in to "Francolor" by the French group as capital was fixed at French Francs 000 000 000.--

(Page 69 of document.)

According to this figure, the capital stock of the "Francolor" will amount to French Francs 800 000 000.-- . The stocks of goods will be bought by the new company on the following conditions:

Finished products - at home and abroad, provided they are not in enemy countries - and intermediates:

at actual cost, taking the average of the first six months of 1939 plus 13 1/3%,

adding the actual cost of packing, transportation and duty in the case of merchandise in foreign depots;

raw and auxiliary products as well as stocks of technical equipments;

at actual cost without addition.

Half of the funds for this purchase of the stocks, as also the working capital will be made available to the "Francolor" by the French Group and half by the I.G. This will constitute a loan and the rate of interest will be 6%. .. total amount of not more than 20 millions Mark will probably be involved. The share of the I.G. will be covered by credits in France. The repayment of the credit depends on the economic development of the company.

As our firm will have an interest of 51% in the "Francolor", our part of the share capital of the "Francolor" amounts to French Francs 408 000 000.-- As we explained in our letter mentioned at the beginning, the French Group will receive I.G. shares against the delivery of the "Francolor" shares for the amount of French Francs 408 000 000.--

When the land, buildings, installations and other objects were evaluated, the basis taken was the turnover of the French Group in dyestuffs - with a separate evaluation for

(Page 70 of document)

indigo and "Schwelfelschwarz" - amounting to 7 000 tons annually, as shown by the French Group in their pre-war figures and which can be expected again with the return to normal conditions. The above mentioned method of settling the terms for taking over the stock of goods is also based on normal prewar conditions. Also when determining value the I.G. shares the quotations of the stock exchange before the outbreak of war were taken as a guide. Thus an allowance was made when the French Group raised the objection that the interlinking of capital would not give sufficient parity in the mutual profits if the present value of 200% is applied. The following figures are given to illustrate this objection:

It can be expected that the Francolor will be in a position to distribute a dividend of 6% when normal conditions return. If the share of the I.G. amounts to about 400 millions French Francs, it would accordingly receive 24 millions French Francs, which represent RM 1,2 millions at a rate of exchange of 20. The French Group, on the other hand, would receive for 400 millions French Francs of "Francolor" shares that is, RM 20 millions nominal, a nominal amount of RM 10 millions of I.G. shares, taking as a basis a value of 200% for the I.G. share. It would receive accordingly only RM 600 000.-- in the case of an I.G. dividend of 8% as distributed so far.

In consideration of the above explanations it was agreed to apply a value of 160% for the I.G. share, which means that a nominal amount of RM 1 750 000.-- of I.G. shares had to be given to the French Group for the purchase of the nominal amount of 408 millions French Francs "Francolor" shares.

The French Group, in agreement with its government, is anxious that the dividends which it receives for the RM 12 750.000.-- nominal I.G. Farbenindustrie shares should be settled against the dividend which we receive for our French Francs 400 000 000.-- "Francolor" shares direct, i.e., not through the competent clearing offices. Any discrepancy shall, as far as possible, be settled by deliveries of goods between the "Francolor" and our firm.

We request the Reich Ministry of Economics to advise the Foreign Exchange Control Office

- 1) to approve the acquisition of "Francolor" shares for a nominal amount of 400 000 000.-- French Francs against delivery of I.G. Farbenindustrie A.G. shares for a nominal amount of RM 12 750 000.-- from the French Group, that is from:
 - a) La Compagnie Nationale de Matieres Colorantes et Manufactures de Produits Chimiques du Nord reunies -Etablissements Kuhlmann -, Paris,
 - b) La Societe Anonyme des Matieres Colorantes et Produits Chimiques de Saint-Denis, Paris,
 - c) La Compagnie Francaise de Produits Chimiques et Matieres Colorantes du Saint-Clair-du-Rhone, Paris.
- 2) to allow the dividend yielded by the shares of the "Francolor" and the I.G. Farbenindustrie A.G. mentioned under 1) to be settled direct, and further to allow any discrepancy to be settled as far as possible by the direct exchange of goods between the "Francolor" and our firm,

(Page 72 of document)

- 3) to allow the I.G. to make available to the "Francolor" half of the amount required for the purchase of the stocks of goods and for furnishing the necessary working capital, estimated to total 20 millions Mark, i.e. the I.G.'s share of 10 millions Marks as a credit with 6% interest per annum.

II.-

The French government promised the French Group that it will facilitate the founding of the "Francolor" by granting tax privileges for the actual founding of the company as also for the taxing of the profits and dividends of the "Francolor". This means that the founding of the "Francolor" shall not place the French Group in a worse position than it would have been if it had not been founded.

The following questions concerning taxes in France would normally confront our firm by reason of the intended interest in the "Francolor":

The "Francolor" would have to pay on the dividend which we receive for a nominal amount of 406 000 000.-- French Francs of "Francolor" shares the tax "sur le revenu des valeurs mobilières", i.e. about 30%, which it would deduct from the dividend to be paid to us. If the German-French agreement concerning double taxation did not exist or if it should expire, the "Francolor" would also be considered as a plant forming part our firm, and we would therefore also have to pay the tax sur le revenu des valeurs mobilières on the whole of the I.G. dividend deriving from our export turnover to France.

(Page 73 of document)

The French Group on its part would have to pay in Germany on the dividend on the nominal amount of RM 12 750 000.-- of I.G. Farbenindustrie A.G. shares merely the income tax upon return on investments (Kapitalertragssteuer) which amounts at present to 10%.

We therefore suggested in our latest negotiations that the following settlement concerning our taxation in France for the "Francolor" be proposed to the French government:

"Our firm should not be called upon to pay any tax in France for its interest in the "Francolor". Neither should the "Francolor" be obliged to pay to our detriment the tax "sur le revenu des valeurs mobilières" on the dividend deriving from our "Francolor" shares for a nominal amount of 406 000 000.-- French Francs".

The I.G. will for its part seek to get the French Group exempted from paying tax in Germany on the I.G. Farbenindustrie A.G. shares for the nominal amount of RM 12 750 000.-- which it owns".

This means in practice that the German revenue office renounces its claim to 10% income tax on return on investments (Kapitalertragssteuer) for the dividend from I.G. Farbenindustrie A.G. shares for a nominal amount of RM 12 750 000.--, while the French revenue office would have to forego at least 30% tax "sur le revenu des valeurs mobilières" for the dividend from the "Francolor" shares for a nominal value of 406 000 000.-- French Francs, even if the German - French agreement on double taxation is applied. This settlement seems also to be very advantageous to the German revenue office. In connection with the figures on page 3 we should like in explanation to give the following example:

(Page 74 of document)

I.G. interest in the "Francolor"	French Francs 408 000 000.--
in case of a dividend of 6% =	French Fr. 24 480 000.-- RM- 1 224.000.--
of which 30% French tax "sur le revenu des valeurs mobilières" -	" 367 000.--
in case of a dividend of 8% of the I.G. the French Group should receive gross on a nominal amount of RM 12 750 000.--	RM 1 020 000.--
of which 3% tax upon return on investments (Kapitalertragssteuer)	" 102 000.--

We therefore ask the Reich Ministry of Finance to agree to the method proposed by us for the settlement of taxes on the A.G. Farbenindustrie Aktiengesellschaft shares for a nominal value of RM 12 750 000.--, which shares are to be transferred to the French Group. This would mean that this share-holding is exempted from the tax upon return on investments (Kapitalertragssteuer).

As the next negotiations with the French Group will take place in Paris in the week following the 21 July of this year, and as the final texts of the agreement will be drawn up and signed on this occasion, we would be obliged if the Reich Ministry of Economy and the Reich Ministry of Finance would let us have the necessary permits before that date. The whole agreement will otherwise be concluded subject to the approval of the German and French governments contained in principle in the Paris Protocol of 12 March 1931.

I.G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

signed: v. Schnitzler Kugler

Enclosures.

(page 75 of document)

I. D. Walter SIEMERS, Attorney-at-Law in Hamburg, at present Defense Counsel at the American Military Tribunal in Nuremberg, herewith certify that the attached document:

Letter of the Reich Minister of Economics, Berlin W 8, dated 29 July 1941, addressed to the I.G. Farbenindustrie Aktiengesellschaft, Dyestuffs Directorate Department in Frankfurt on Main, concerning,

German-French Dyestuff negotiations,

formation of the Société Anonyme des Matières Colorantes et Produits Chimiques Francolor,

was correctly copied from the original documents kept on file with I.G. Farbenindustrie Aktiengesellschaft in Frankfurt on Main, concerning the agreement with Société Anonyme des Matières Colorantes et Produits Chimiques "FRANCOLOR", Paris,

Nuremberg, 20 February 1948.

signed: (Dr. SIEMERS)

Document Schnitzler No. 62

Exhibit No.

(page 76 of original)

The Reich Minister of Economics

V.Ed.(D) 5/119 444/41

Berlin W. 8, 29 July 1941

Zehronstr. 43

Telephone: Main line No. 164551.

Please state these file numbers and subject in all future correspondence.

To

I.G. Farbenindustrie Akt.Ges.

Dyestuffs Directorate Department

Frankfurt (Main) 20
Gruenoburgplatz

Reference: your letter of 26 June 1941 -B-.

Subject: German-French Dyestuff Negotiations.
Formation of Société Anonyme des
Matières Colorantes et Produits
Chimiques Francolor.

In view of this particular case and in the interests of cooperation with the French Dyestuffs Industry I agree to the proposal made in paragraph 1 of your letter dated 26 June 1941. The Foreign Exchange Control Office in Frankfurt (Main) has been instructed to grant the required permits. In order to settle any eventual surplus in deliveries of merchandise please send a special application to me in each case.

By order

signed: Dr. Schultze-Schlutius.

(Rubber Stamp):

Reich Ministry of Economics

Certified:

signed: Signature

Office Clerk.

Document Schnitzler No. 63

Exhibit No.

(page 77 of document)

I, Dr. Walter SIEMERS, Attorney-at-Law in Hamburg, at present Defense Counsel at the American Military Tribunal in Nuremberg, herewith certify that the attached document:

letter of the Oberfinanzpraesidenten Berlin (Chief Revenue Officer) (Foreign Exchange Control Office), Berlin C 2, dated 26 August 1941 and addressed to I.G. Farbenindustrie Aktiengesellschaft, Central Finance Administration, Berlin NW 7, concerning FRANGOLOR

was correctly copied from the original documents kept on file with I.G. Farbenindustrie Aktiengesellschaft dealing with the agreement with Société Anonyme des Matières Colorantes et Produits Chimiques "FRANGOLOR", Paris.

Nuremberg, 20 February 1948.

signed: (Dr. SIEMERS)

(page 78 of document)

The Berlin Chief Revenue Officer
(Oberfinanzpräsident)
Foreign Exchange Control Office

Berlin C 2, 26 August 1941.
Houe Kronigstrasse 61-64

Special File No.: 10/Be.- 31 Chr.
3981/6483(?)

To
I.G. Farbenindustrie Aktien-
gesellschaft,
Central Finance Administration

Stat.: blue Lo. 1 4/6 - Lo. I 4 yellow.

B e r l i n N W 7
Unter den Linden 82.

With reference to the application of 26 June 1941 addressed
by your Frankfurt Branch Office to the Reich Minister of Economics,
in a agreement with the latter I give my consent to:

1.) the purchase of

nominal French francs 408.000.000.-- "FRANCOLOR" shares
against the surrender of
nominal RM 12.750.000.-- I.G. Farbenindustrie A.G. shares

by the French group viz.:

- a) La Compagnie Nationale de Matières Colorantes et Manufactures
de Produits Chimiques du Nord réunies Etablissements Kuhlmann,
Paris,
- b) La Société Anonyme des Matières Colorantes et Produits Chimiques
de Saint-Denis, Paris,
- c) La Compagnie Française de Produits Chimiques et Matières Colo-
rantes de Saint-Clair-du-Rhone, Paris,

2.) to the accounts of the dividends on the shares of "FRANCOLOR"
and of I.G. Farbenindustrie A.G. mentioned under 1) being settled
direct.

As for using any balance which might be shown when the
dividend amounts are settled for paying privately for deliveries of
goods, I would ask you in each case to apply specially to the Reich
Minister of Economics quoting file No. V. D. (D) 5/119 444/41.

This authorization will expire on 31 October 1941.

(page 79 of document)

At the same time the Reich Minister of Economics has authorized me to give permission for the granting of a credit up to RM 10,000,000.-- Please let me have the name of the bank granting this credit and a detailed explanation as to how this credit will be handled, more especially as to whether it will be given against the/guarantee/of a bank in this country assuming the responsibility for this indebtedness.

By order

Signature.

Order ("Auflage").

The release from the Reichsbank necessary for the disposal of securities which must be offered to the Government according to Par. 53 No. 2 of the Law on Foreign Exchange is hereby granted. Applicants who have regularly to report to the Reichsbank the receipt and use of foreign currency that has come to hand (for instance by export declaration No. II on foreign currency or by other proofs) must in their report refer to this notice of authorization or add it to their report.

If they do not avail themselves of this authorization the attached notice of authorization must be handed to the Reichsbank Office concerned at the very latest before the expiry date.

Orderslip 027, Authorization for the Disposal of Foreign Exchange.

(Page 80 of document)

I, Dr. Walter S I E M E R S, Attorney-at-Law in Hamburg,
at present serving as Defense Counsel in the proceedings before
the American Military Tribunal, Nuernberg, herewith attest that
the attached document,

Letter dated 24 July 1941 from I.G. Farbenindustrie
Aktiengesellschaft

Compagnie Nationale de Matières Colorantes
et Manufactures de Produits Chimiques du
Nord Réunion, Etablissements KUFLEMAN,
Société des Matières Colorantes et Produits
Chimiques de Saint-Denis, and

Cie Française des Produits Chimiques et
Matières Colorantes de Saint-Clair-du-
Mont

to:

The Minister and State Secretary for Labor and Production,
Paris, is a true and correct copy of the original document to be
found in the files of I.G. Farbenindustrie Aktiengesellschaft
in Frankfurt, on the subject of the agreement with
Société Anonyme de Matières Colorantes et Produits Chimiques
"FRANCOLOR".

Nuernberg, 20 February 1948

Signed: (Dr. SIEMERS)

(Page 81 of document)

Paris, 24 July 1941

To:

The Minister and State Secretary for Industrial Production and
Labor.

P A R I S

Dear Sir,

In the course of the meeting which was held at the Hotel Majestic on 21 July 1941, you intimated to us your fear that FRANCOLOR might become the rival of other firms of the French chemical industry in provinces beyond that of dyestuffs, thus resulting in a monopoly.

You did, however, recognize that it was impossible to allow of FRANCOLOR's being hampered in its industrial production by the restriction of its activities in the field of dyestuffs.

As shareholders in FRANCOLOR, we should like to make the following statement with reference to chemical products beyond the province of dyestuffs as defined in Article I of the proposed agreement planned by mutual accord between the undersigned firms, herewith undertaking to regard this statement as binding:

It is not our intention to make use of the industrial power of FRANCOLOR and of the parent companies to usurp the place which the other French enterprises, small or great, hold in the markets at home or abroad.

We simply retain on behalf of FRANCOLOR the right to regulate the manufacture of chemical products

(Page 82 of document)

in accordance with the requirements of the market, bearing in mind the position of these enterprises. In addition, FRANCOLOR reserves to itself full rights on its own inventions and on the exploitation of licenses on French patents acquired by it through regular channels.

We remain, Sir,

Your obedient servants,

I.G. Farbenindustrie Aktengesellschaft

Signed: ter MEER Signed: WAIBEL

Compagnie Nationale de Matières Colorantes
et Manufactures de Produits Chimiques
du Nord réunies, Etablissements KUELMANN

Signed: DUCHEMIN

Société des Matières Colorantes et Produits
Chimiques de Saint Denis

Signed: THESMAR

Cie. Française de Produits Chimiques
et Matières Colorantes de Saint-Clair-du-Rhône

Signed: FROSSARD

I, Dr. Walter Siemers, Attorney-at-Law in Hamburg, at present serving as Defense Counsel in the proceedings before the American Military Tribunal, Nuernberg, herewith attest that the attached document,

Letter from the I.G. Farbenindustrie A.G., Frankfurt,

Compagnie Nationale de Matieres Colorantes et Manufactures de Produits Chimiques du Nord Reunion, Etablissements Kuhlmann,

Societe des Matieres Colorantes et Produits Chimiques de Saint-Denis

and

Cie. Francaise des Produits Chimiques et Matieres Colorantes de Saint-Clair-du-Rhone

to the Secretary General for Production, Paris

dated 2 October 1941.

is a true and correct copy of the original document to be found in the files of I.G. Farbenindustrie Aktiengesellschaft in Frankfurt, on the subject of the agreement with Societe Anonyme de Matieres Colorantes et Produits Chimiques "FRANCOLOR", Paris. Nuernberg, 20 February 1948.

(Dr. Siemers)

(page 86 of document)

Paris, 2 October 1941

To:
The Secretary General for
Industrial Production

Paris

The Secretary General

Sir, Following our talks on the subject of the foundation of the Société Francolor, as requested we send you herewith the explanations of certain of the articles in the agreement.

Article 15: On the subject of imports by Francolor, the founder companies intend to credit all sums of money resulting from such imports to existing French Clearing accounts, the amounts to be entered in the currency in which the transaction has been conducted.

Articles 16 and 17: The contracting parties interpret the text of Articles 16 and 17 as follows, namely that with regard to the conditions governing the issuing of licenses, both parties must be granted absolutely equal rights, or, in other words, whether the granting of a license by I.G. to Francolor or by Francolor to I.G. is in question, the reduced license fee shall in neither case exceed one half of the amount usually paid for such licenses.

We remain, Sir,

Your obedient servants,

Document Schnitzler No. 65

Exhibit No.
(page 87 of document)

I.G. Farbenindustrie Aktiengesellschaft

signed : v. Schnitzler

Signed : ter Meer

Compagnie Nationale de Matieres Colorantes et Manufactures de
Produits Chimiques du Nord réunies, Etablissements Kuhlmann

signed : Duchemin

Société des Matières Colorantes et Produits Chimiques de
Saint-Denis

signed : Thesmar

Die. Française des Produits Chimiques et Matieres
Colorantes de Saint-Clair-du-Rhone

signed : Frossard

(Page 90 of document)

I, Dr. Walter SIEMERS, Attorney at Hamburg, at present
Defense Counsel before the American Military Tribunal in Nuernberg,
heroby certify that the enclosed document

Letter from the Cie Nationale de Matieres Colorantes
& Manufactures de Produits Chimiques
du Nord reunis - Ets. KUELMANN,

Ste Anonyme des Matieres Colorantes
et Produits Chimiques de Saint Denis,

Cie Fran de Produits Chimiques et
Matieres Colorantes et St. Clair du
Rhone

to the Director of Foreign Trade/Ministry of Finance, Paris,

of 3 October 1941, on the subject of: Founding of the
company FRANCOLOR

is a correct copy from the original documents of the I.G. Farben-
industrie Aktiengesellschaft concerning agreement with Societe
Anonyme de Matieres Colorantes et Produits Chimiques "FRANCOLOR",
Paris.

Nuernberg, 20 February 1948

(Dr. SIEMERS)

(Page 91 of document)

Paris, 3 October 1941

To the Director of Foreign Trade,
Ministry of Finance,

P A R I S

CONSTITUTION OF THE FRANCOLOR COMPANY

Dear Ministerial Director,

On the occasion of our last meetings, you expressed to us your doubts with reference to the dispositions of Article 13 of the agreement relative to the constitution of the FRANCOLOR Company.

We confirm that, after a fresh examination of the text between the participants and especially in view of the precedent created by our cartel of 1927, the wording of this article does not seem to us to require any alteration and gives us, so far as we are concerned, all the necessary guarantees.

We have to thank you, however, for having drawn our attention to this particular point and assure you, Mr. Ministerial Director, of our very particular consideration.

Cie Nationale de Matieres Colorantes &
Manufactures de Produits Chimiques du
Nord reunies - Ets. KUFIMANN:

Signed: R.P. DUCHEMIN

Ste Anonyme des Matieres Colorantes et
Produits Chimiques de SAINT DENIS:

Signed: G. THESMAR

Cie Frsc de Produits Chimiques et
Matieres Colorantes de St. CLAIR Au Rhonc: Signed: J. FROSSARD

CERTIFICATE OF TRANSLATION

We,

VICTORIA ORTON,	ETO No. 20129
PATRICIA E. C. WOOD,	ETO No. 20139
ANNE MARTIN,	ETO No. 20144
ALFRED RABL,	AGO No. B 398081
JULIUS J. STEUER,	AGO No. A 442654
BERYL C. BESWICK,	ETO No. 20183
LEONARD J. LAWRENCE,	ETO No. 20138,

hereby certify that we are duly appointed translators for the German English and French languages and that the above is a true and correct translation of Document Book 3 SCHNITZLER.

VICTORIA ORTON,
ETO No. 20129,
Pages I-III, 39-43, 75-79.

PATRICIA E. C. WOOD,
ETO No. 20139,
Pages IV-V, 57-60.

ANNE MARTIN,
ETO No. 20144,
Pages 1-7, 52-56, 90-92.

ALFRED RABL,
AGO NO. B 398081;
Pages 8-15, 29-38, 67-74.

JULIUS J. STEUER;
AGO No. A-442654,
Pages 16-22, 44-57.

BERYL C. BESWICK,
ETO No. 20183,
Pages 23-28, 80-89.

LEONARD J. LAWRENCE,
ETO No. 20138,
Pages 61-66.

Case 6
Defense

DOCUMENT BOOK IV

for

Dr. Georg von SCHNITZLER

Submitted to
Military Tribunal VI
in Case No. VI

by

Dr. Walter SIEMERS,
Attorney in Hamburg

Siemens



INDEX

to Document Book IV

for Dr. Georg von SCHNITZLER.

Documents 67 - 78, pages 1 - 99

Schnitzler Exhibit No.	Exhibit No.	Contents of document	page
<u>Francolor-Agreement (cont'd).</u>			
67		Letter of the French Minister of Finance Douthillier to the French dye manufacturers dated 30 October 1941. The letter contains the official <u>approval</u> of the forming of Francolor, but only after a very close check on the articles of association and qualified by numerous <u>conditions</u> set forth by the French Government <u>in favor of French economy</u> ; these include the safeguarding of French influence in the administration ("the president shall always be a Frenchman"), prior confirmation of the members of the Verwaltungsrat (governing council) by the French Government, and the stipulation that all changes of the agreement shall be subject to the approval of the French Government	5-75a
68		Letter signed by Duchemin, Thesmar, Frossard on behalf of the French manufacturers and addressed to the French Minister and State Secretary of National Economy and Finance, dated 31 October 1941, containing a preliminary reply to the minister's letter dated 30 October 1941	16-17 16-17
69		Letter of I.G. signed by Schnitzler and Ter Meer to the French Minister and State Secretary of National Economy dated 3 November 1941, being a reply to the minister's letter of 30 October (see document No. 67). In the main points, <u>I.G. agrees with the conditions</u> set forth by the French Minister.	18-21 18-21

Schnitzler Exhibit No.	Contents of Document	Pages
70	Final reply of the French dye manufacturers signed by Duchemin, Thesmar, Frossard to the French Minister and State Secretary for National Economy and Finance dated 6 November 1941, referring to the minister's letter dated 30 October 1941 (see document No. 67). By this letter, the French dye manufacturers confirm "our final agreement with the conditions contained in your letter of 30th October".	22-24 22-24
71	Letter of Dautjillier, Minister and State Secretary for National Economy and Finance, to the three French dye manufacturers dated 11 December 1941. Pursuant to his letter dated 30 October 1941 (see document No. 67), the minister gives his final agreement under the proviso that the agreement is ratified by a special law	25-26 25-26
72	French Law dated 10 December 1941 giving a legal basis to both the legal and the fiscal aspects of the articles of association of the Francolor Company and containing 23 articles embodying the conditions set forth by the French Government	27-39a 27-39a
73	Memo by Dr. Kramer dated 12 December 1941 on the general meeting of the Etablissements Kuhlmann in which the transaction proposed by Duchemin was adopted "practically unanimously".	40-44 40-44
74	Comment of "Frankfurter Zeitung" (the leading paper dealing with economy in Germany until 1943 when it was prohibited by Hitler) on the formation of Francolor, published 22 November 1941. "Mutual interlacing by exchange of stock in the frame-work of the German-French endeavors for co-operation"	45-47 45-47

Schnitzler Exhibit No.	Contents of Document	Page
75	Editorial of "Frankfurter Zeitung" dated 19 December 1941 on "German-French Cooperation in the aniline colors industry". The agreement is called " <u>particularly favorable to the French companies</u> "; this is substantiated by the rate of 160 p fixed for the I.G. stock and by further provisions agreed upon "in order to safeguard French interests."	48-51a 48-51
76	Comment of the Swiss paper "Basler Nachrichten" dated 22 December 1941 concerning "The agreement I.G.-Kuhlmann in the field of aniline colors". "Co-ordination with existing pre-war agreements (cartel agreements)".	52-56 52-56
77	Comment of the Swiss paper "Der Bund", Berne, dated 30 December 1941 on "German-French Co-operation in the Dyestuffs Industry". Special reference is made to existing pre-war relations and to the fact that the rate of the I.G. stock has been fixed at 160 p whereas they were otherwise quoted at 200 p	57-60 57-60
78	Letter of Frossard to Schnitzler dated 30 December 1941 containing the minutes of a preliminary conference of the persons designated to be members of the Verwaltungsrat to be set up on a footing of parity. The minutes contain the appointment of the directors, deputy directors and "Présidents" of the various French factories both in the main offices in Paris and in the various plants. <u>"All executives appointed are Frenchmen."</u> Attached to the minutes is a general chart of organization for the plants, submitted by the French.	61-68a 61-68

I, Dr. Walter SIEMERS, attorney in Hamburg, at present
defense counsel at the American Military Tribunal, Nuernberg,
heroby certify that the attached document

Letter of the Ministry of National Economy and
Finance, Paris,

to the firms Etablissements Kuhlmann,
 Societe des Matieres Colorantes et
 Produits Chimiques de Saint-Denis,

 Cie. Francaise de Produits Chimiques
 et Matieres Colorantes de St. Clair
 du Rhone,

dated 30 October 1941

has been copied literally from the original file available in
Frankfurt of the I.G. Farbenindustrie Aktiengesellschaft
referring to the agreement Societe Anonyme de Matieres Colorantes
et Produits Chimiques "FRANCOLOR", Paris.

Nuernberg, 20 February 1948

(Dr. SIEMERS)

CERTIFICATE OF TRANSLATION

7 April 1948

I, Ernst SCHAEFER, Civ.No. ETO 20 165, hereby certify that I
am a duly appointed translator for the German and English
languages and that the above is a true and correct translation
of original document.

Ernst SCHAEFER
Civ.No. ETO 20 165.

Translation.

Ministry of National Economy
and Finance.

JL:MM

Paris, 30 October 1941

Directorate of Foreign Finances
and Foreign Exchange

No. 7. 575

To: Etablissements Kuhlmann,
Société des Matières Colorantes et
Produits Chimiques de Saint-Denis,
Cie. Française des Produits Chimiques
et Matières Colorantes de St. Clair
du Rhône,

collectively

Subject: Foundation of the FRANCOLOR Company.

Gentlemen -

You were so kind as to send to the Ministry a draft of the statutes for the Société anonyme de Matières Colorantes et Produits Chimiques Francolor, together with the contract to be drawn up between your three companies and the I.G. Far'chimindustrie.

As you were informed by the Delegate-General for the French-German economic relations, I have the honor to notify you that the Government is willing to support the foundation and the operations of the Francolor Company by the issue of a special law before 15 November 1941, containing in particular the following regulations:

I. Deviations from the legislation concerning stock companies

- a) The company is dispensed from the formalities of examination and authorization of special assets in kind.

- 2 -

- b) The foundation of the company by three shareholders; instead of by the legal minimum of seven, is authorized;
- c) The members of the board of administrators are not appointed by a general stockholders' meeting, but shall be appointed 50 - 50 by the French group and the German group. Their recall can only be decided by a 2/3 majority vote. The members of the board of administrators can be given executive tasks within the company.

The president must always be a Frenchman.

To compensate for the above-mentioned deviations, the law shall provide that the selection of the members of the board of directors by the French group shall be subject to previous approval by the Government.

For this purpose, the French group must submit to the Government the names of the persons proposed for nomination according to articles 17 and 18 of the statutes. These names shall be considered approved unless the Under Secretaries for Industrial Production, for National Economy, and for Finances give notice of rejection, not later than 14 days from the date the proposal is handed in -- to the persons, who signed the request.

- d) The members of the board of directors are freed from the obligation to own and to deposit stock in order to guarantee their conduct of business; they are obligated, however, to put up a corresponding bond in French government bonds.
- e) Four accountants shall be provided for the accounting department, two of whom shall be selected by the French group and two by the German group.

- 7 -

- 3 -

- f) The accountants need not report to the general stockholders' meeting of Francolor on enterprises, business deals, and contracts between this company and the share-holding companies even when these companies have members on their boards of administration.
- g) 51 $\frac{1}{2}$ % of the stock will be transferred to the German group immediately after the company has been founded.
- h) The representation of one quarter of the capital is sufficient for the right of decision to be exercised by the general stockholders' meetings of the three investor companies, whenever these meetings are called to decide on the contract agreement with the IG, on the statutes of Francolor, and, if necessary, on the corresponding changes in their own statutes.
- i) On the other hand, the authority of the president and the members of the board of administrators of Francolor must be kept within the legally proscribed bounds.

II. Deviations from Financial Legislation.

- a) The increment values that may accrue at the Francolor for each of the share-holding companies by the investment of certain blocks of their assets are exempted from the temporary taxation of excess profits according to the Law of 30 January 1941.
- b) These increment values are also exempted from the D.I.C. bond tax and from the national special levy, under the condition that, in the first place, the increment values remain booked under a special open account for liabilities on the enterprise's annual statement, and, in the second place, that the stock of Francolor, or the stock of I.G. Farbenindustrie A.G., which was exchanged for the latter, also remain as holdings of these enterprises where they must be shown as assets under a special account of the annual statement.

- 4 -

Any transaction by which either the amount booked under the special account for liabilities would be totally or partially withdrawn -- except for the repayment of losses -- or by which the holdings, listed under the special account for assets, would be fully or partially realized, will immediately bring about a levying of the D.I.C. tax and a call for the national special levy, either on the amounts thus deducted from the special account for liabilities, or on the amounts realized. The tax rate will be in accordance with existing regulations at the time of the transaction.

The D.I.C. and the national special levy shall be due, if such be the case, at the time of a liquidation of the companies, for that fraction of the increment value booked under liabilities, which is actually on hand at such a time.

It is provided that in the case of a merger between the participating companies, by way of a straight and regular investment, the tax shall not be due when the accounts which are blocked in the balance sheet of the merging company are similarly shown again as blocked accounts on the balance sheet of the absorbing or new company.

- c) The transfer of Francolor company stocks to the German group by each of the participating companies, comprising the 51¹/₂ share of capital mentioned above, is merely subject to a registration fee of frs 35.--.
- d) In regard to the tax to be levied on income from personal properties, the three participating French companies shall enjoy the privileges of article 153 of the Law concerning personal property, regardless of the number of Francolor shares held by each of these companies.

- 5 -

Limitation of Dividends.

Concerning the limitation of dividends, I advise you for all cases that, according to art. 3 of the Law of 28 February 1941, all companies formed after 1 January 1940 are entitled to distribute a dividend amounting to 8 $\frac{1}{2}$ % of the called and not repaid capital, and that the administrative authorities regard this maximum rate as applicable to investments in kind or cash. In either case the Societe Francolor will thus be in a position to exploit this regulation to their advantage, if necessary.

Deviations from the French - German Compensatory Agreement.

I am in a position to authorize the payment of Francolor dividends, and of the I.G. Farbenindustrie dividends by means of private compensation up to the full amount. The amounts to be transferred in this connection must be cleared in the line with the French-German clearing agreement of 14 November 1940 or any other agreement to be drawn up later.

In case of a balance in favor of Francolor, you must endeavor to secure permission from the German Government to transfer this balance in the line with the French-German clearance agreement of 14 November 1940.

Trade agreements-Licenses.

The trade agreements in the draft of contract submitted for my approval, as compiled in the letter of 2 and 3 October to the Secretary-General for Industrial Production and to the Directors of Foreign Trade, give me occasion to take the following stand:

- 10 -

- 5 cont'd -

A. Agreements on non-competition from the side of I.G.

During a conference on 30 September at the office of the Secretary-General for Industry my representative drew your attention to the fact that, according to art. 13 of the contract draft, the IG does not bind herself to refrain from competition with

- 6 -

the Francolor in France, in the colonies, in the protectorate and mandated territories, by the interpolation of foreign firms in which the IG may possibly hold an interest.

My Ministry recommended to you to demand from the IG a guaranty that they would not participate in any "French or foreign firm engaged in the manufacture of the same products with a view of directly or indirectly marketing such products in France, in the colonies, and in the protectorate and mandated territories." In your letter of 3 October you advised me that you saw no need of changing the original wording of Art. 13, and that this article would provide all the necessary guaranties in view of the precedent established by your cartel of 1927.

I acknowledge this statement.

D. Export sales.

The Secretary-General for Industry and my representative informed you on 30 September, in the presence of Herr Kramer, the representative of I.G. that the French Government could not consent to the wording of article 15 - although toned down now in comparison with the original wording - unless the contracting partners gave a written guaranty that the agreement is not to be applied in a way unfavorable to the trade policy of France. The Secretary-General has pointed out that the exports from the French State - who, by the way, attached the greatest value to obtain the proceeds of export sales in the form of foreign currency from the ultimate countries of destination - could, according to circumstances, be more expedient to a certain country than to another.

The letter of 2 February signed by ^{the} Representative of the IG and the constituent companies of Francolor only partially complies with this request of Monsieur Bichelonne.

- 11 -

- 7 -

It ~~limits the~~ cash guaranty to the clearing payments. Neither does it enlarge the text of Article 15 with reference to the distribution of exports to the countries not mentioned therein.

I would be obliged to you if you would kindly confirm that the obligation concerning the mode of payment for French exports also covers those sales which are to be paid for by unrestricted currency or through the clearing agreement.

I also beg you to let me know that no opposition will be put up on the part of IG to the agreement should the French Government or the Francolor Directorate deem it expedient to change the now provided current export rates.

6) Francolor and IG Patents.

I understand from your letter of 2 October, that the text of Articles 16 and 17 is to be interpreted as establishing absolute reciprocity regarding the regulations concerning the transfer of licenses.

I acknowledge this statement; it is, however, in my opinion very important to have Article 16 of the agreement be brought into unison with it.

Monsieur Duchemin and Herr Kramer, on their part, pointed out to my representative on 30 September that the licenses transferred to Francolor by I.G. were not only valid for sales in France, in the colonies, and in the protectorates, and mandated territories, but also for sales in foreign countries.

I acknowledge these statements which correspond to the objections of my Ministry, and I am also asking here that the contract be made concise on this point.

- 12 -

- 8 -

According to the letter of 24 July 1941 to the Secretary-General of Industrial Production, signed by the representatives of the German and French group, the Francolor renounces to take advantage of its own industrial capacity or that of its parent companies to the effect of undermining in any way the position of any French companies for chemical products outside of the dyestuff sphere, be these companies large or small.

I acknowledge this guaranty to which the Secretary-General for Industrial Production attaches great importance.

This establishes clearly that the stipulations of Article 19 of the agreement with reference to the possible manufacture by Francolor of chemical mineral products to be used in the manufacture of dyes cannot be regarded as restricting in any form the sphere of guaranty laid down in the afore-mentioned letter of 25 July.

It is also understood that the French Government has no intentions whatsoever to force non-participating companies, as e.g. the firm Steiner, to suspend all operations in the dyestuff line, nor to make them assume these obligations as set forth in the various contracts, particularly under articles 12 and 22. The Government, however, does not object to any possible friendly agreements between the respective parties as long as the sphere of such agreements is kept within the proscribed range of the contract.

- 13 -

- 9 -

Possible changes in the contract.

Article 29 of the contract provides that its stipulations can be altered any time by the common consent of all contracting partners and the Francolor company.

Although the French Government is not a partner in the contract, it must be expressly stipulated that its consent is necessary in each case.

I ask you to be so kind as to inform your German contract-partner of the contents of this letter, so he can state his attitude to the points in question.

With the reservation of the above-stated objections, I have the honor to advise you, in agreement with the Secretary-General for Industrial Production, of my consent to the text of the statutes and of the contract submitted to me.

Allow me, gentlemen, to express my best regards

(signed) Y. LOUPHILLIER.

- 14 -

I, Dr. Walter SIEMERS, attorney-at-law in Hamburg, at present
defense counsel at the American Military Tribunal, Nuernberg,
certify herewith that the attached document:

Letter of the Cie. Nationale de Matieres Colorantes
Ets. Kuhlmann,

Ste. des Matieres Colorantes de St. Denis,

Cie. Francaise de Produits Chimiques
de St. Clair du Rhone

to the Minister and Under-Secretary of National Economy and
Finances, Paris, dated 31 October 1941

have been literally copied from the original files of the
IG Farbenindustrie AG., kept at Frankfurt, concerning the
contract: Societe Anonyme de Matieres Colorantes et Produits
Chimiques "Francolor", Paris.

Nuernberg, 20 February 1948.

(Dr. SIEMERS)

CERTIFICATE OF TRANSLATION

8 April 1948

I, Leon RATZERSDORFER, Civ.No. ETO 483, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of original document.

Leon RATZERSDORFER
Civ.No. ETO 483.

Translation

Paris, 31 October 1941.

To the
Minister and Under-Secretary
of National Economy and Finance

P a r i s

Sir:

We received your letter of 30 inst. concerning the founding of the Societe Francolor.

We would have been glad to be able to agree with the contents of that letter. It is, however, impossible for us to do so, as the wording of your letter does not take into consideration the suggestions submitted by us in our letter of 21 inst., after your office had kindly transmitted to us your letter in draft. We enclose therefore a duplicate of our letter of 21 of this month with the request kindly to examine again the additions to the text as requested by you.

In regard to Articles B and C of the business clauses of your letter (export sale and patents), Dr. Kramer has informed us that he has contacted your office in connection with this matter.

In view of the fact that we are bound to keep the deadline of coming 31 December and that we may not call a general meeting before reaching a definite agreement, in order to save time we send you meanwhile your letter to the IG Farben-industrie AG, with the request to inform us at your earliest convenience regarding the position taken by that company.

= 2 =

Cie. Nationale de Matieres
Colorantes Ets. Kuhlmann:

R.P. Duchemin

Ste. des Matieres Colorantes
de St. Denis:

G. Thesmar

Cie. Francaise de Produits
Chimiques de St. Clair du Rhone:

J. Frosserd.

I, Dr. Walter SIEMERS, Attorney at Hamburg, at present
Defense Counsel at the American Military Tribunal Nuremberg,
herewith certify that the enclosed document

Letter of the I G Farbenindustrie A.G., Management
Department Farben, Frankfurt/Main, of 3 November 1941
to the French Ministry of Economy and Finance,
regarding the Francolor contract

is a true and literal copy from the original files of the
IG Farben AG kept in Frankfurt regarding the dealings with
Societe Anonyme de Matieres Colorantes et Produits Chimiques
"FRANCOLOR", Paris

Nuremberg, 3 February 1948

(Dr. SIEMERS)

I.G. Farbenindustrie A.G. Frankfurt /Main 20
Management Department Farben

3 November 1941

To the Minister
Under -Secretary for National Economy and Finance

P a r i s

Foundation of the Francolor.

Your letter of 30 October 1941 to the Etablissements KUHLMANN,
St. Denis and St. Clair -du-Rhone, Paris.

May we answer your statements regarding "business
clauses-licences" as follows:

to B Export sales (Article 15).

The parties agreed from the beginning that the production
of the Francolor would serve the French domestic and colonial
market. The I.G. was willing to abandon this market completely
to the Francolor and to limit itself to the import to France
and its colonies of only such top products which may not be
produced in the Francolor Works for technical or economic
reasons. As a compensation for this practically complete
abandoning of the French domestic and colonial market to
the Francolor, the I.G. wanted, on the other hand, to be
given a free hand in the export business in the interest
of improved international market coordination. In order
to secure, however, in any case a market for the production
of the Francolor, the I.G. offered to act as a guarantor
and to accept stocks .

-2-

which are left over in case the Francolor sales lag behind the planned volume of production of 7000 tons a year. The I.G. will place on its own domestic market the stocks taken over in this manner, to the debit of its own production.

In view of the close economic ties of the French economy with its neighbouring countries, the business sphere of the Francolor was expanded so that it participates also, as a sort of extension of its domestic market, in the business in Belgium, Spain and Portugal.

The I.G. realizes that in the course of further developments it may be in the interest of both parties after the war to export dye stuffs from France also to other export countries overseas. To-day's version of Article 15 of the agreement expresses this viewpoint.

We can give assurances that the position taken by the I.G. is always influenced by essential political factors and that it will certainly take care that out of such factors no situation will result which will make impossible an agreement on trade policy. We can, however, not agree to the reversing into its contrary of the leading principle - which is indeed that the Francolor is, on principle, not to do any export business-, through such a general clause as suggested in the statement of your position.

In regard to the problem treated in paragraph 2 and 3 of B of your statement of your position of 30 October, we confirm, as an

-3-

answer to your request, that the joint letter to you of the French group and of our firm of 2 October 1941 has to be understood in the sense that the comment to Article 15 of the agreement refers to countries without currency restrictions as well as to countries with a clearing system.

To C. - Francolor and I.G. patents.

We agree that Article 16 of the agreement receives the same wording as Article 17 in regard to the point which we treated in the joint letter of the French group and of our firm of 2 October 1941.

We assume, however, that there prevails a misunderstanding in regard to the statement of Messrs. Duchenin and Kramor of 30 September 1941. As far as we grant to the Francolor licences in the field of dyes, these licences have to be restricted to the exploitation of French patents of the I.G. in France, its colonies and its protectorates and mandated territories.

We agree to the remainder of your letter of 30 October 1941, as far as it concerns us.

Very truly yours

I.G. Farbenindustrie A.G.

signed v. Schnitzler ter Meer.

I, Dr. Walter SIEMERS, Attorney at Hamburg, at present Defense Counsel at the American Military Tribunal Nuernberg, herewith certify that the enclosed document:

Letter of the Cie. National de Matières
Colorantes ETS. KUHLMANN,

Sto. des Matières Colorantes
de St. DENIS and

Cie. Francaise de Produits
Chimiques de St. CLAIR DU RHONE

to the Minister and Under-Secretary for National Economy and Finance, Paris, of 6 November 1941

is a true and literal copy of the original files of the I.G. Farbenindustrie A.G. which are kept in Frankfurt, concerning the agreement with the Société Anonyme de Matières Colorantes et Produits Chimiques "FRANCOLOR", Paris.

Nuernberg, 20 February 1948

(Dr. Siemers)

Translation

Paris, 6 November 1941.

To the
Minister and Under-Secretary for National
Economy and Finance,

PARIS.

Your Excellency,

Following our conference of last evening with your Ministry in the presence of the Delegate-General for the French-German trade relations and of the Secretary-General for Industrial Production, we confirm herewith our final agreement with the conditions of your letter of 30 inst.

In addition it is agreed that the special law ratifying the founding and activity of the Francolor and announcing it on 20 inst. will besides the measures suggested in your letter of 30 October contain a confirmation to the effect that for the re-purchase of all kinds of stocks (products, raw materials, finished and unfinished products, etc.) in all works of the participating French companies as well as in their stores or on the transport, no registry fees will be charged.

It was, on the other hand, agreed that the I.G. will immediately apply to its Ministry in regard to the authorization for compensation of stamp duties of these securities which

-2-

the I.G. will transfer to the participating companies as
a settlement for its share of 51% in the Francolor, and
that this authorization will speedily be granted.

Respectfully yours

Cie. Nationale de Matieres
Colorantes Ets. Kuhlmann: R.P. Duchesnin

Ste. des Matieres Colorantes
de St. Denis: G. Thesmar

Cie. Francaise de Produits
Chimiques de St. Clair du Rhone: J. Frossard

-24-

I, Dr. Walter SIEMERS, Attorney at Hamburg, at present Defense
Counsel at the American Military Tribunal Nuernberg, herewith
certify that the enclosed document:

Letter of Mr. Bouthillier (Minister, Under Secretary
for National Economy and Finance), Paris,

for the firms Ets. Kuhlmann,
Sto. des Matieres Colorantes & Produits
Chimiques de St. Denis,
Cie. Française des Produits Chimiques
et Matieres Colorantes de St. Claire
du Rhone,

of 11 December 1941.

is a true and literal copy of the original files of the
I.G. Farbenindustrie A.G. which are kept in Frankfurt, con-
cerning the agreement with the Société Anonyme de Matières
Colorantes et Produits Chimiques "Francolor", Paris.

Nuernberg, 20 February 1948

signed: (Dr. Siemers)

Translation.

MINISTRY OF FINANCE
Cabinet of the Minister

Paris, 11 December 1941

Dear Sirs,

You submitted to my Ministry the agreement concerning the founding of the SOCIÉTÉ ANONYME DE MATIÈRES COLORANTES ET PRODUITS CHIMIQUES FRANCOLOR, concluded by the COMPAGNIE NATIONALE DE MATIÈRES COLORANTES & MANUFACTURES DE PRODUITS CHIMIQUES DU NORD RÉUNIES "ÉTABLISSEMENTS KUHLMANN", the SOCIÉTÉ ANONYME DE MATIÈRES COLORANTES & PRODUITS CHIMIQUES DE SAINT DENIS, the COMPAGNIE FRANÇAISE DE PRODUITS CHIMIQUES ET MATIÈRES COLORANTES DE ST. CLAIR DU RHÔNE, and the I.G. FARBENINDUSTRIE.

May I supplement my note of 30 October 1941, No. 7575, by confirming that I give my authorization to the said agreement, which will be finally ratified by a law.

Very truly yours,

The Minister,
Under-Secretary for National Economy and
for Finance

BOUTHILLIER.

Ets. Kuhlmann

Sto. des M.C. & P.C. de St. Denis

Cie. Frée. des P.C. et M.C. de St. Clair du Rhône

simultaneously.

I, Dr. Walter SIEMERS, Attorney at Hamburg, at present
Defense Counsel at the American Military Tribunal, Nuernberg,
herewith certify that the enclosed document:

Official Bulletin of the French Government

Thursday, 11 December 1941

No.5206 - Decree of 10 December 1941, concerning the
wording of the legal and fiscal statutes of the Société
Francolor,

is a true and literal copy from the original files of the I.G.
Farbenindustrie A.G. kept in Frankfurt, concerning the agreement
with the Société Anonyme de Matières Colorantes et Produits
Chimiques "FRANCOLOR", Paris.

Nuernberg, 20 February 1948

(Dr. Siemers)

CERTIFICATE OF TRANSLATION

9 April 1948

I, Helene LALLEMAND, AGO B 398 038, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the original document.

Helene LALLEMAND
..GO B 398 038.

Translation

73rd year of publication

Price ffrs. 1.-

Thursday, 11 December 1941.

Official Gazette of the French State.

No. 5206 - Law of 10 December 1941 concerning the determination of
the articles of association - both substantive and fiscal -
of the Société FRANCOLOR.

Pursuant to prior agreement given by the Council of Ministers,
we, Marshal of France, Head of the French State, hereby decree:

Article 1:

The companies mentioned below, forming a group called the
"group of the promoter companies", viz.

1. Compagnie Nationale des Matières Colorantes et Manufactures de
Produits Chimiques du Nord réunis, Etablissements Kuhlmann, with
its head office in Paris;
2. Société Anonyme des Matières Colorantes et Produits Chimiques
de Saint-Denis, with its head office in Paris,
3. Compagnie Française de Produits Chimiques et Matières Colorantes
de Saint-Clair-du-Rhône, with its head office in Paris,

are authorized to form a joint stock company under the firm
"Société Anonyme de Matières Colorantes et Produits Chimiques
FRANCOLOR". This company will be governed by the law concerning
joint stock companies and by the special provisions set out below.

Article 2:

It is the purpose of the company to manufacture in France

-2-

dyestuffs, semi-finished products, by-products to be used for dying and for the refining of various chemical products, provided that they are produced in the plants which are brought in as assets by the companies mentioned in article 1 or that it is decided in the future to produce them; the scope of the activities of the company also covers all kinds of scientific and technological research and all industrial, commercial and financial deals and transactions referring to movable goods and real estate and connected with this production program.

Article 3: *)

In view of the fact that there are no subscribers paying cash, contribution of other assets approved by the group of the promoter companies are not subject to a check by the stockholders. The same applies to special advantages granted by or to the Francolor company.

No nullity plea and no claim based on fraud or on violation of legal provisions may be based hereon or on the fact that the articles of association of the company deviate from the provisions of the law concerning joint stock companies.

Article 4:

The stock capital is fixed at ffrs. 800,000,000.-. It will be divided in 80,000 registered stock of ffrs. 10,000 each. The capital may be increased or decreased by simple resolution of a general meeting of the stockholders.

The number of stockholders in the company may be less than seven but not less than three.

Article 5:

At least 49% of the stock of the company must be owned at all times by the group consisting of the companies mentioned in article 1.

*) Translator's note: Article 3, last paragraph, has been translated from the French original, as the German version was not conform with the French text.

-3-

The participants mentioned in article 1 are authorized, after the formation of the above-mentioned company, to transfer to a company designated with the approval of the government a number of stock not exceeding 51% of the stock capital. After completion of this transfer of stock, further transfers of stock may only be effected within the same group.

Article 6:

The stock of the new company is inalienable. Exceptions shall be admissible within the participating groups only. This does not detract from the provisions contained in article 5 paragraph 2.

Article 7:

The company shall be administered by a Verwaltungsrat (governing council) consisting of 8, 10, or 12 members. Each of the participant groups shall appoint half of the members.

The appointment shall be ratified by decision of the general meeting.

At least half of the members of the Verwaltungsrat shall be French nationals, with the proviso that the group of companies mentioned in article 1 may only appoint French nationals as members of the Verwaltungsrat.

Article 8:

The term of office of the Verwaltungsrat members shall be 6 years.

The first Verwaltungsrat will be renewed at the time when the ordinary general meeting is convened in order to decide on the balance sheet for the 5th fiscal year.

From this time onward, the entire Verwaltungsrat will be renewed after the lapse of regular intervals of 6 years, running from general meeting to general meeting.

-30-

-4-

The members of the Verwaltungsrat may be re-elected at discretion.

Each group shall designate the members of the Verwaltungsrat representing it and shall notify the other group of their nomination not later than 8 days before the date of the general meeting at which the authority of the Verwaltungsrat members to be replaced lapses. If one of the groups does not reach agreement by the deadline mentioned above or if the members of this group are in disagreement, the Verwaltungsrat members representing this group will be appointed by the other group.

The general meeting will take note of the appointments made in accordance with the above provisions.

The ordinary general meeting may at any time rescind the authority of every Verwaltungsrat member by a 2/3 majority.

Article 9: Members of the Verwaltungsrat may be re-elected at

discretion. If during the period between two replacements of the Verwaltungsrat, a Verwaltungsrat member ceases for any reasons whatsoever to be a member of the Verwaltungsrat, the group of stockholders represented by him will see to it that he is replaced within a period not exceeding 2 months. If this is not effected within the period mentioned, the other group is entitled to effect a new appointment, with the proviso that the Verwaltungsrat member thus appointed must be of the same nationality as his predecessor. The next general meeting will take note of the appointments made in accordance with the above provisions.

The task of a Verwaltungsrat member appointed to replace another member terminates when the entire Verwaltungsrat is renewed. The authority of every Verwaltungsrat member may be rescinded by a 2/3 majority.

-31-

Article 10:

During the period between two replacements of the Verwaltungsrat, a Verwaltungsrat member ceases for any reasons whatsoever to be a member of the Verwaltungsrat, the group of stockholders

-5-

Article 10:

The designation of Verwaltungsrat members made by the group of the promoter companies are subject to prior confirmation by the government.

For this purpose, the group of the promoter companies shall submit to the State Secretary for Industrial Production the names and first names of, and the positions held by, the persons designated by the group in accordance with articles 7, 8, and 9.

These persons will be considered confirmed, unless the State Secretary for Industrial production informs, within 14 days after this notification, the person who signed the application to the effect that confirmation is refused.

Article 11:

Each Verwaltungsrat member must deposit French state bonds amounting to at least ffrs. 25,000 each as a security.

These bonds constitute a guarantee made out in the name of the depositor. They constitute at the same time a joint guarantee covering all acts connected with the management of the company, including those acts which are connected only with one of the individual Verwaltungsrat members. They will be deposited with the Bank of France and may not be given in pawn.

The members of the Verwaltungsrat in question or his personal representatives may not dispose of the deposit at their discretion, before the ordinary general meeting deciding on the managing activities of the member has authorized them to do so.

In case of termination of the company or of its liquidation out of court, the deposit will be released only after the lapse of one month from the convening of the general meeting approving the accounts of the company up to the liquidation.

-6-

In the case of bankruptcy or of liquidation in court, the deposit will remain blocked until the final decision on the liabilities incurred by the members of the Verwaltungsrat has been rendered, but not longer than 3 years from the date when the decision of the court was pronounced.

The certified accountants auditing the balance sheet shall ascertain whether the measures provided in this article have been adhered to. They shall report all violations - if any - to the annual general meeting.

Article 12:

The Verwaltungsrat shall elect one of its members as president (chairman) for the duration of its term of office. The president must be a French national at all times. He shall be appointed by agreement between the two participant groups.

The president shall be counted as one of those Verwaltungsrat members who are appointed by the group of companies mentioned in article 1.

He can^{be} recalled only by a resolution of an ordinary general meeting. This resolution becomes effective only if confirmed by another ordinary general meeting to be convened within a period of not less than one and not more than two months. These resolutions will be passed by simple majority of the members attended or represented.

Recall of the president by the meeting involves his automatic resignation from his tasks as a member of the Verwaltungsrat.

The president shall appoint for a term of 6 years a French secretary who must not necessarily be a member of the Verwaltungsrat.

Article 13.

The Verwaltungsrat will meet at the main office of the company and be convened by the president or by two members as often as the interests of the company call for a meeting.

A member of the Verwaltungsrat may represent several members of his group if provided with written powers of attorney of a non-obligatory character.

The Verwaltungsrat constitutes a quorum only if at least three each of the Verwaltungsrat members belonging to each of the two groups are either present or represented.

If this provision is not fulfilled, the Verwaltungsrat will be convened anew. At this second meeting all resolutions will be valid if at least three Verwaltungsrat members are attending personally.

Resolutions will be passed by majority of the members attending or represented. Every member has, apart from his own vote, additional votes corresponding to the number of members represented by him.

In case of absence of the president, the chair will be taken by a Verwaltungsrat member belonging to the president's group and appointed by the president. If no such appointment has been made or if the member appointed by the president is absent, a Verwaltungsrat member appointed by the members present at the meeting will take the chair.

Article 14:

The president of the Verwaltungsrat will undertake the tasks of a general manager (director general).

If the president does not undertake these tasks, they will be performed by a general manager of French nationality appointed by the president with the agreement of the Verwaltungsrat. In case of termination of the tasks of the president, the tasks of the general manager are terminated automatically and simultaneously.

-8-

The members of the Verwaltungsrat may be given executive tasks in the company.

Article 15:

Four auditors will be appointed to perform the tasks incumbent on them according to the law.

Two auditors will be appointed by the group of the companies mentioned in article 1. One of these auditors must be a chartered public accountant.

The term of office of the auditors will be 3 years. In consequence, the first auditors appointed will be in office until the convention of the ordinary general meeting deciding on the balance sheet of the third fiscal year.

Each group will appoint the auditors representing it and notify the other group of the appointments not later than 8 days before the date of the ordinary meeting at which the authorities of the auditors will lapse.

If the auditors are not appointed by one group within the time limit mentioned above, they will be appointed by the other group.

The general meeting will take note of the appointments made in accordance with the above provisions.

Each group is entitled to recall the auditors representing it at any time.

In case an auditor dies, is prevented from acting, refuses the post or is recalled from it, a substitute will be appointed by the group represented by him within 2 months.

If this is not done within this time limit, the other group is entitled to take care of the appointment.

The next general meeting will take note of the appointments made in accordance with the above provisions.

-35-

-9-

Auditors appointed as substitutes will keep office only for the term of office of their predecessors.

The auditors may perform their tasks jointly and individually.

Article 16:

The Verwaltungsrat members of the Francolor company may - within the limitations fixed in the articles of association or by simple resolution of the Verwaltungsrat - take or maintain a direct or indirect interest in any transactions between the Francolor company and its (their ?) own stockholders.

The auditors are not obliged to report to the general meeting on the transactions mentioned in the above paragraph.

Article 17:

The formation of the Francolor company will be deemed completed, when

- a) the extraordinary general meetings of the stockholders of the promoter companies confirm the contributions in kind to be made to the Francolor company as well as the agreements and contracts concluded between the promoter companies and the company authorized by article 5 to obtain a 51% participation in the stock capital.

In as much as the extraordinary general meetings of the promoter companies have to decide on the items mentioned in the above paragraph and on alterations -if any- of the articles of association which might be necessary by the application of existing laws, they will be considered properly convened and constituting a quorum, if the stock capital is represented by one quarter of the stock-holders.

-36-

-10-

- b) the general meeting of the stockholders of the Francolor company confirm the appointment of the Verwaltungsrat members provided in the articles of association and ascertain that the Verwaltungsrat members and auditors have accepted their tasks.

Article 18:

The promoter companies of the Francolor company will be exempted from the provisional taxation, based on the law dated 30 January 1941, with regard to the excess profits resulting from the increment value of assets contributed by them.

Article 19:

Such excess profits will be exempted from the taxation of industrial and commercial profits and from the National Emergency Levy in accordance with the following provisions:

1. Such excess profits will be entered in, and remain on, open special accounts shown among the liabilities in the balance sheets of the promoting companies.
2. Those assets of the Francolor company which have been handed over to the promoter companies in exchange for the assets contributed by them, and also the stock acquired by these companies in exchange for Francolor stock according to the authority of transferring such stock provided in article 5 of this law, must be held by them permanently and be entered in a special account forming part of the assets shown in their balance sheets.

However, any transaction, the effect of which is a partial or total withdrawal (writing off?) of the amounts entered in the special account forming part of the liabilities - unless it is done in order to make up for losses - will have the effect that the taxes, the payment of which had been deferred, become due for payment. For the purpose of the assessment of these taxes, the amount withdrawn must be shown in the balance sheet of the fiscal year in which the transaction was made.

-37-

-11-

Similarly, any realization of the holdings shown on a separate account forming part of the assets will have the effect that an amount corresponding to the net amount of this realization will, on the special account forming part of the liabilities, be released for the purpose of taxation in accordance with the provisions contained in the above paragraph.

At any rate, that part of the increment value which has been entered in the liabilities and which is still in existence at the date of the liquidation of the company, will be subject to taxation in regard of the tax on industrial and commercial excess profits and of the national emergency levy.

On the other hand, if the promoter companies amalgamate by way of contribution of assets, these taxes will not become payable, if the blocked accounts are shown in the balance sheet of the receiving company or the new company, provided that they remain blocked.

Article 20:

In so far as the promoter companies transfer, in connection with their contributions of assets toward the capital of Francolor company, appurtenances and new merchandise to Francolor which pertain to the assets contributed and are necessary to their exploitation, these transfers will be exempted from the formality of registration.

Article 21: In deviation from the provisions of the first two paragraphs of article 350 of the registration law, a registration fee of ffrs. 34.- will be due on the transfer of stock, which is transferred by the group of promoter companies to the company mentioned in article 5 in accordance with the authorization contained in article 5 paragraph 2.

Article 22: In deviation of the provisions of the first two paragraphs of article 153 of the law concerning movable property, the promoter companies are exempt from the tax on income

-38-

-12-

deriving from movable assets, to the extent in which income deriving from Francolor stock has accrued to them during the fiscal year, provided that this income had already been subject to the tax.

Article 23:

This decree will be published in the official bulletin and will apply as a law of the state.

Vichy, 10 December 1941.

signed Ph. Pétain.

CERTIFICATE OF TRANSLATION.

8 April 1948

I, Ernst SCHAEFER, ETO 20 165, hereby certify that I am
a duly appointed translator for the German and English
languages and that the above is a true and correct
translation of the original document.

Ernst SCHAEFER
ETO 20 165.

Document Book IV SCHNITZLER
SCHNITZLER Document No. 73
Exhibit No.

I, Karl BOENEMANN, at present Defense Counsel at the
American Military Tribunal in Nuernberg, herewith certify
that the enclosed document

Note

by Dr. Krasner / SQPI Société pour l'importation
de Matières Colorantes et de Produits Chimiques, Paris,

of 12 December 1941

concerning FRANCOLOR

is a true and literal copy of the original document which is
kept with the I.G. files in Frankfurt.

Nuernberg, 3 March 1948.

(Signature) BOENEMANN

Dr. K.K

12 December 1941
No. 480 - D

SCPI

Société pour l'Importation
De Matières Colorantes et De
Produits Chimiques - Paris

NOTE.

Concerning Francolor

Special Law

As promised by government offices, the Special Law appeared this morning in time in the Journal Official of Vichy, so that the general stockholder's meeting of the Ets Kuhlmann could take place this afternoon.

The letter concerning Article 23 (regarding the agreement) which had been promised by the French Government, was handed over yesterday evening, so that its contents could also be made public during today's general meeting.

The law agrees with the wording as proposed by us, and the letter of 11 December 1941 to the Ets. Kuhlmann (enclosed copy) mentions that the agreement will subsequently be reinforced by a law.

Merely the wording of Article 23 is the former wording, "la convention tendant à la création de la Société Francolor" which is less agreeable to us. Before the regulation by law takes place, the wording desired by us "en vue du fonctionnement" ought still to be discussed with government offices which will easily be arranged.

- 2 -

General stockholder's meeting of the Ets. Kuhlmann.

Messrs. Duchomin and Frossard had invited me to take part in the general meeting. Many people were present at the meeting which lasted approx. one hour.

Mr. Duchomin reported in a very clever and objective way on the historical development and the conferences which led to the founding of the FRANCOLOR, and read the letter of the Ministry of 11 December and the Social Law. He also informed us about the records (12 March 1941) of the first founding session in the Hotel Majestic, in which the French Government agreed to the I.G.'s purchase of 51% of the stocks of a company to be founded jointly.

He informed us furthermore in general about the most important modifications of the statutes and about the reasons on which the German group based its purchase of the majority of stocks (omnipotent position of the French president created by the new laws relating to stock companies).

The report on the agreement was restricted to Mr. Duchomin's reading of the report of the board of directors which mentioned a few basic points of the agreement.

The statutes and the agreement of the Francolor were not read, because when Mr. Duchomin, according to the rules, wanted to read these papers to the audience one of the participants of the meeting declared that the statements of the president had been so detailed that the reading of these documents had been made unnecessary. In this manner the agreement was not made public and Mr. Duchomin could restrict himself to the reading of the individual Kuhlmann contributions of assets.

- 42 -

- 3 -

Various questions which were subsequently asked by the stockholders and which were inclined to touch the field of politics, were answered very cleverly by Mr. Duchemin, so that one could speedily proceed to the voting.

The results of the voting showed that the transactions submitted by the board of directors were nearly unanimously accepted (about 50 votes were against it and several hundreds abstained from voting).

A second general meeting is therefore not required.

I congratulated Mr. Duchemin and expressed my appreciation of the excellent manner in which he presided over the board of directors.

The general stockholder's meeting of St.-Denis takes place on Monday, 15 December 1941 and Mr. Thosmar has also invited me to participate.

The general meeting of stockholders of St.-Clair takes place on 16 December.

1. Meeting of the board of directors of the Francolor.

The meeting of the board of directors of the Francolor could therefore take place next week. M. Frossard suggested the 17 or 18 December. It would be very convenient if the I.G. could agree to this date, as M. Frossard is in bad health. He suffers from a severe cold and needs a rest.

Dr. KRAMER (stamp)

PS. We shall forward some numbers of the Journal Official, as soon as we receive the number in which the special law appears. We must, however, expect a delay of appr. 4 days, as the paper is coming from Vichy.

Document Book IV SCHNITZLER
SCHNITZLER Document No. 73
Exhibit No.

- 4 -

Enclosure.

RS, A. Frossard agrees to the date fixed during a telephone
conversation with Dr. Kugler: 18 December 11 o'clock Sopi.

- 44 -

Document Book IV SCHNITZLER
SCHNITZLER Document No. 74
Exhibit No.

I, Holmuth HENZE, Attorney at Frankfurt, at present Defense
Counsel at the American Military Tribunal Nuremberg, certify
herewith that the enclosed article

"FRANCOLOR

I.G.-share is settled with I.G. stocks"

is a true and literal copy from the Frankfurter Zeitung, Saturday,
22 November 1941, evening and first morning edition No. 597, page 4

Nuremberg, 5 March 1948

signature (HENZE) Attorney

FRANKFURTER ZEITUNG

Saturday, 22 November 1941, evening and first morning edition
No. 597, page 4.

FRANCOLOR.

I.G. share is settled with I.G. stocks . (hd Paris)

The new central foundation for nearly all of the French anilino dyestuff industry was one of the first, if not the first occasion for a fusion of stocks in the sense of the desired German-French collaboration. For the I.G. Farbenindustrie A.G. . . . hands over I.G. Farben shares to the three French parent firms of the now Soc. An. de Matieres Colorantes et Produits Chimiques "Francolor", Paris for its share in this new corporation to be received according to agreement. One has to await subsequent information about the question whether these shares are coming out of authorized capital and how many they are. It is known that the new corporation itself receives a share capital of 800,000,000 French francs. Thus it is able to furnish capital to the four prominent dyestuff plants of France, of whom two were ceded by the Ets. Kuhlmann and one each by St.-Denis and St.-Clair. The firms mentioned have signed on 18 November the statutes of "Francolor". For the actual putting into effect, the shareholders meetings of the three French corporations must give their consent. Accordingly, four firms participate in "Francolor",

Document Deck IV SCHNITZLER
SCHNITZLER Document No. 74
Exhibit No.

- 2 -

one in Germany, in which three French corporations participate;
it means that Francolor shares were exchanged for I.G. shares.

article from the
"FRANKFURTER ZEITUNG", Reich edition of 19 December 1941
no. 647 - 648, page 5.

The German-French collaboration in the aniline
dyestuff industry (hd Paris).

It has to be mentioned, in connection with the founding of the S.A. Matieres Colorantes et Produits Chimiques Francolor with a share capital of 800 million francs, that this capital was transferred to the three French chemical concerns, the Kuhlmann concern, the S.A. Matieres Colorantes et de Produits Chimiques de St.-Denis, and the Compagnie Francaise de Produits Chimiques et Matieres Colorantes St. Claire du Rhone, in proportion in their contributions, other than cash, which consist of the bringing in of their aniline dyestuff factories (Kuhlmann 2 factories, the other two one factory each); Kuhlmann received, namely, 61%, St.-Denis 27% and St. Claire 12% of the Francolor shares. Of these stockholdings, the three French enterprises ceded as previously reported a total of 51% to the I.G. Farbenindustrie AG, in proportion to their own contributions. The German concern which therefore receives Francolor shares totalling 408 million francs at the value of RM 20,400,000 compensates the three French companies for this block of share by transferring to them its own shares at the nominal value of RM 12,750,000. It results from this, that at the evaluation of the I.G. Farben shares, which are quoted to-day on German stock exchange with appr. 200%, the rate of exchange of 160% was used, a rate of exchange which approximately corresponds with the level of June 1939 and which may be called extremely favorable for the French companies. The well-known rule that the president of the company (the French law relating to stock companies grants the president of the stock corporations a position invested with special full powers) must be a Frenchman.

- 2 -

emphasizes the French character of the "Francolor", which is also managed by French personnel. The advisory board consists of 8, 10 or 12 members, Germans and Frenchmen in equal numbers. The technical and business committees, which will function in an advisory capacity, are in the same manner formed by German and Frenchmen on a footing of equality. It was furthermore agreed, in order to protect the French interests, that the three founding companies of the Francolor contribute to the new corporation merely their aniline dyestuff factories, but that their other activities in the field of chemistry are not touched by the new corporation. I.G. Farbenindustrie AG. also renounces a claim to legal monopoly in France for the Francolor in the field of aniline dyestuffs, which would exclude activities of other enterprises in this field. The IG renounces furthermore any direct activity, in regard to production as well as to business, on the field of aniline dyestuff in France. The German concern will, in the other hand, place at disposal of the "Francolor" its wealth of experience and its excellent methods for the production of aniline dyestuffs, while the "Francolor" also will cede now possible inventions in this field to the I.G. Farbenindustrie. The company ^{starts} its activity, as already reported, on 1 January 1942. The required working capital is meanwhile offered as credit by the three founding companies and all raw materials, unfinished and finished products of the four aniline dyestuff factories which were contributed to the corporation, are also taken over by the Francolor at the current prices. Director-General Frossard from the Kuhlmann concern was appointed first president of the "Francolor" by a vote of the advisory board which has to be unanimous.

- 49 -

Document Book IV SCHNITZLER
SCHNITZLER Document No. 75
Exhibit No.

I, Holmuth HENZE, Attorney at Frankfurt/Main, at present
Defense Counsel at the American Military Tribunal Nuremberg, herewith
certify that the enclosed photostatic copy corresponds literally
with the article

"The German-French collaboration in the aniline dyestuff
industry (hd Paris)"

in the Frankfurter Zeitung of 19 December 1941, Reich edition,
no. 647 - 648, page 5.

Nuremberg, 12 January 1948.

(signed HENZE) Attorney

Document Book IV SCHNITZLER
SCHNITZLER Document No. 75
Exhibit No.

- 3 -

I herewith certify that the above is a true and literal copy
of the original.

Holmuth HENZE
Attorney

- 51 -

CERTIFICATE OF TRANSLATION

9 April 1948

I, Helene LALLEMAND , Civ.No. AGO B 398 038, hereby certify
that I am a duly appointed translator for the German and English
languages and that the above is a true and correct translation
of original document.

Helene LALLEMAND
Civ.No. AGO B 398 038

The undersigned, Dr. Rupprecht von KELLER, defense counsel
at the American Military Tribunal in Nuernberg, certifies that
attached document:

Article from

"Basler Nachrichten", Basle, of 22 December 1941,

concerning

The Aniline dye agreement IG/ KUHLMANN

Continuation of pre-war agreements. Possible extension to
other products.

As a literal copy of the original.

Nuernberg, 17 March 1948

signed. Dr. R. von KELLER

Excerpts from:

"Basler Nachrichten", Basle, of 22 December 1941.

The Aniline Dye agreement IG- KUHLMANN

Continuation of pre-war agreements, Possible extension to
other products.

We receive the following communication from the unoccupied territory: The agreement between the IG Farbenindustrie and the French group KUHLMANN, which has resulted, as already reported, in the establishment of the "Societe Anonyme des Matieres Colorantes et Produits Chimiques Francolor" in Paris, was based on 3 economic facts: First and above all, German-French co-operation in the economic sphere since the armistice has already resulted in the establishment of special joint organisations in other branches of industry; furthermore, new and extensive tasks have to be mastered by the IG Farbenindustrie in the course of the economic re-organisation of Europe, as attempted by Germany, and last, the new agreement is based to a certain extent on the agreements already concluded in 1927, thus more than 14 years ago, between IG Farben and Kuhlmann.

One will remember that during the war 1914 - 1918 the "Compagnie Nationale des Matieres Colorantes" was founded in France, in order to take over all French subsidiaries of German dyestuff factories and their patents.

- 2 -

In 1924 this holding corporation, which already had entered new agreements with the IG immediately after the world war, was taken over by the Etablissement Kuhlmann. These new agreements concerning production as well as sales of dyestuffs were renewed in 1927. The new agreements concerned all problems of production and commerce and had a direct connection, being concluded simultaneously, as regards economic policy, with the German-French Potassium agreement. This agreement was fairly extensive. Indeed, only a continuation of the far-reaching pre-war relations based on factual and personal co-operation, was needed in order to adapt the German-French chemical combine to the changed economic conditions. The German-French collaboration since the armistice began with a partition of sales on French territory and made it possible, for instance, for the Kuhlmann group to bring its entire aniline dye production up to 60 % of pre-war production on 1 July 1941. For the time being, Francolor does not intend to construct new dyestuff plants in France, a thing which would be impossible for technical reasons alone, but, at present, merges with the combine the four large dyestuff plants of the Etablissements Kuhlmann and their 2 subsidiaries, namely the Matieres Colorantes de St. Denis and de St. Claire du Rhone.

- 54 -

- 3 -

According to the opinion of prominent French professional circles, the organisatory and substantial contributions made by Germany are of particular importance at a time when France's chemical industry is still suffering in part from the immediate results of war (destruction of plant) and the reconversion from the production of chemicals, which had been increased in war time for armament purposes, is still in full swing. The far-reaching experiences of the German combine, both in peace and in wartime, are of great advantage to the French industry. Obviously, the ration 5 - 1 between IG and Francolor existing before the war as far as European orders are concerned, cannot be kept on, as, among other reasons, an export of French dyestuffs is not to be thought of in view of the urgent requirements of the domestic market, especially of those of the French textile industry which is laboriously being reconstructed. In the year 1928 the Etablissements Kuhlmann showed a production of aniline dyes of about 10,000 ts.

It is impossible to say, for the time being, whether and to what extent the new chemical combine can be extended, from the original sphere of aniline dyes to other branches of production, such as synthetic textiles, pharmaceuticals etc. There are no unambiguous indications, so far, in the French daily and trade press. As to the financial clauses of the agreement, one should remember that the Francolor was founded with an original capital of Frs. 800,000,000.

- 55 -

- 4 -

and that the participation of the IG was constituted by the delivery of shares to the Kuhlmann group, shares originating from the last large-scale capital increase of the German dyestuff combine. The German participation quote was stated at first to be 50 %, but in the meantime this figure will probably have changed some what.

- 56 -

Document Book IV Schnitzler
Schnitzler Doc. No. 77
Exhibit No.....

The undersigned, Dr. Rapprecht von KELLER, Defense Counsel at
the American Military Tribunal in Nuernberg, certify that
attached document:

Article from "Der Bund", Berlin, of 30 December 1941,
concerning:

"German-French collaboration in the dyestuff industry".

Is a correct copy of the original.

Nuernberg, 17 March 1948

signed: Dr. R. von KELLER

Excerpt from :

"Der Bund", Bern of 30 December 1941

German-French collaboration in the dyestuff industry.

Dr. S. Paris, 11 December.

Within the long sequence of economic agreements between German and French Konzerns which have been concluded since the armistice and which gradually reveal the structure of the German-French economic relations, the newly established relations between important Konzerns of the German and French dyestuff industry plays a particularly important part. The foundation "Francolor" (S.A. de Matieres Colorantes et Produits Chimiques), holding a share capital of 800 million French francs, represents a new basis for the collaboration of the chemical industries of both countries, which can look back on a long tradition of close relations.

After the German aniline dye factories in France had been requisitioned by the French government during the world war, a measure which led to the enlargement of the KUHLMANN-Konzern and to the foundation of the Cie. Francaise de St. Pierre du Rhone, the further post-war development of the German-French relations in this important field of industry were characterized in particular by the profit-sharing agreement concluded in 1921 between the German dye-stuff Konzern, IG Farbenindustrie AG, and the French KUHLMANN Konzern.

- 2 -

In accordance with this agreement the German companies undertook to enlarge the French dye-stuff plants, while France, in its turn, renounced their dye-stuff export to Germany. The long-term agreement, however, was terminated by KUHLMANN already after a few years, and only towards the end of the second decade were there any new agreements concluded between the German and French aniline-dye industries, which were, however, regarded as sufficient by the German interested parties, especially from the point of view of the German reconstruction work.

The new agreements, which come into force on 1st January 1942, are to take the French as well as the German interests equally into account. As far as the "Francolor" is concerned, its share capital of 800 million French francs is to be taken over by the 3 large French chemical companies, the KUHLMANN Konzern, the S.A. de Matieres Colorantes, and the Cie. Francaise de Produits Chimiques, in proportion to the assets invested by them, i.e. the dye-stuff plants which they will contribute. Of this share capital 51 % will be ceded to the IG Farben, which, in its turn, will pay these shares valuing 408 million francs with shares of their own amounting to a nominal value of 12,75 million Reichsmark. This shows that the evaluation of the IG Farben shares was based on an exchange rate of 160, while they are today quoted at the German stock exchanges at 200.

- 3 -

Numerous individual provisions of the articles of association of "Francolor" show that the German dye-stuff industry intends to collaborate with the French dye-stuff plants on an equal footing. In this connection the provision that the President of the new company must always be a Frenchman should be stressed, as well as the provision that the Verwaltungsrat (administrative council) should consist of an equal number of Germans and Frenchmen. The same proportion applies to the membership of technical and commercial committees to work in an advisory capacity. The entire staff of the "Francolor" is to consist of Frenchmen. Furthermore, the French interests are safeguarded by the fact that the promoter companies of the "Francolor" must only contribute their aniline-dye plants to the new company, but that all their other activities in the industrial field are to remain unimpaired. On the other hand, the "Francolor" is not to be accorded a monopoly in the French aniline dye-stuff field, and the activities of other enterprises in this field are not to be curtailed in any way. Beyond this, the IG Farben will renounce any direct activities pertaining to the production and sales of aniline dyes in France.

The Director General Joseph FROSSARD, a member of the KUNIGLANN Konzern, was unanimously appointed first president of Francolor.

- 60 -

I, Dr. Walter SIEMERS, attorney at law in Hamburg, at present
Defense Counsel with the American Military Tribunal in Nuernberg,
certify herewith that the attached documents:

Letter from M. FROSTED, Paris

addressed to Herr G. von SCHNITZER, Frankfurt/Main,

of 30th December 1941,

together with the minutes of the Verwaltungsrat
of Francolor and a chart of the plant organization
of Francolor

have been copied literally from the original files of the
IG Farbenindustrie Aktiengesellschaft at Frankfurt which concern
the agreement with the S.A. de Matieres Colorantes et Produits
Chimiques Francolor, Paris.

Nuernberg 20 February 1948.

signed: Dr. SIEMERS

Translation

Boulevard Hausmann 145

Paris, 30 December 1941

Herr
G. von SCHNITZLER
IG Farbenindustrie AG
Frankfurt/M.

Dear Sir -

Enclosed herewith I send you for your information a copy of the minutes of the preliminary conference held in Paris on 18 December 1941 between the members who are to form the Verwaltungsrat of the Societe Francolor.

Yours very sincerely

signed: FROSSARD

Enclosures: 1 copy of minutes
1 draft of business organization

P.S. We have today received the trade register number of Francolor and have sent the circulars for the customers to be printed. We will receive them in a short time and will forward you several copies.

Minutes

of the preliminary conference of the members
who are to form the Verwaltungsrat of the Francolor.

In order to carry out a preliminary examination of various
agreements which come into force after the foundation of the Societe
Francolor, the persons designated to form the Verwaltungsrat have
convened on Thursday, 1st December 1941, at 11 hours of the morning,
at the house Rue Galilee 32/34.

The following were present at the conference:

	J. FROSSARD	
	R. F. DUCHESNIN	
	G. THESLAR	
	G. DESPRET	on the one hand
and	G. von SCHNITZER	
	F. ter MEER	
	K. WIRBEL	
	O. MITROS	on the other hand.

J. von Kap-Herr took over the tasks of the General Secretary
of the Aufsichtsrat. At the request of his colleagues M.G. FROSSARD
took the chair.

1) General chart of the organisation of the enterprise.

M.G. FROSSARD undertook to conduct the negotiations and after
having thanked his colleagues for the confidence placed in him and
assured them of his full co-operation, he explained the general
scheme which he had envisaged for the organisation of Francolor
enterprise.

- 2 -

Apart from presiding over the Verwaltungsrat and the advisory technical and commercial committees which will be established in accordance with the statutes, he will personally take over the management of the company as a whole.

M.L. FROSCARD will take supreme charge of the technical organisation, and in case of the Director General being absent he will take over the management as his deputy.

Herr J. von KAP-HERR, apart from his office as General Secretary of the Aufsichtsrat, will take charge of the administrative organization.

The following were appointed Director

In the plants :

- Herr H. RITTMANN, Direktor of the plant Oisecl,
- Herr LÄNDER, Director of the plant Villers St. Paul,
- " PIERREZ, Director of the plant St. Denis,
- " JOCEMENT, Director of the plant St. Clair du Rhone,

In the central office :

- Herr ARGENT as Head of the Designing Department
- " SACK as Head of the Technical Organization
- " FRANCOIS as Head of the Commercial Department
- " FILLON as Head of the over-all accountancy Department
- " VICTOR, as Head of the Sales Department, France.

The following were appointed Assistant Directors:

Herr MARTIN Assistant Director with the management of the technical Organization (Production of subsidiary products and special articles for the rubber industry).

Herr MOUPRIOT as Head of the Buying Department.

- 3 -

The following were appointed Deputy Directors.

At the plants:

Plant Oissel	Herr SALS
Plant Villers St. Paul	Herr RITTER " NIEDERMAUSER (for the technical organization)
Plant Poirrier	Herr PETIT
Plant St. Clair du Rhone	" STEINMETZ " LEBBE (for the tech- nical organization)

At the Central Office:

Herr MILDER, Sales for Northern France
Herr MOREAU, Sales for Southern France.

The following were appointed Procurists:

At the plants:

Plant Oissel:	Herren LPEYGE KOPP GILLET
Plant Villers:	" Le FLOCH SCHILLE DONJES LE THIERRY d'ENEQUIN
Plant St. Denis:	
Plant Elsass:	Herr BOUQUIGNON
Plant A C :	Herren CLAUDIN and GILVIERE
Plant Poirrier:	Herr PERMIN
Plant St. Clair du Rhone:	Herren MIKSY and LEFERS.

At the Main Office:

Herr J.J. BORDES, for the Designing Department
" I. CHATARD, for the Substitute Material Department
" SAZUY, for the Department Subsidiary Products for the
dyeing industry.
" CHIFFAS, for the Eye-stuff Department
" LECURUX, for the Export Department
" DELUNY, for the Department for Calculation of original costs.

- 65 -

- 4 -

Herr MARQUE for the Statistical Department

- " HERRMANN de VAILLE, for the Grouping Department and the Organization Committee.
- " CRICHTON, as Assistant General Secretary
- " REYS, as Secretary for Special Duties.

According to the Statutes the President and Director General is entitled in his own person to undertake obligations on behalf of the company. The directors, assistant directors, and deputy directors, as well as the procurists, can only represent the company jointly, i.e. by the signatures of 2 persons who have been granted power of attorney, and of whom at least one must hold the position of a director.

2) The President submits a proposal to the effect that during a preliminary period, which will be fixed for the time being at 6 months, the staff and the managing personnel of the promoter companies should be kept on, as this period is needed for winding up the main part of the current business on the one hand, and, on the other hand, for selecting the personnel which will be finally assigned to "Francolor". This suggestion is accepted under the condition that Francolor will be responsible for 60 % of the total expenditure in connection with the outlying plants of the firm KUHLMANN Organische Produkte, as well as for the entire expenditure incurred at the main office of the firm St. Denis. As far as the Cie. de St. Clair du Rhone is concerned, the part of the general expenditure taken over by Francolor will amount to 33 % instead of 60 %, as the former company has at present to deal with practically no selling or administrative matters outside the dye-stuff sector.

- 5 -

This suggestion is unanimously accepted.

3) In view of the enforced closing-down of the works during the period from 21 December 41 to 4 April 42, all endeavours will be made in order to complete the inventory as quickly as possible i.e. by 1st January 1942, the purpose being to establish as soon as possible the amount for which the "Francolor" will be debited in favour of the promoter companies.

4) Financial Questions.

a) In accordance with the provisions of article I. of the minutes of 18 November 1941, the IG will make an advance payment of 100 million francs on 1st January 1942 in consideration of the existing stocks of goods. In addition, the IG will make to Francolor a first advance payment of 25 million francs in order to maintain the working capital, while the promoter companies, in their turn, will make payments in proportion to their participation, the total of which will also amount to 25 million francs.

b) The banks through which the Francolor will do business as from 1st January 1942 will be the following:

- Le Credit Commercial de France,
- La Societe Generale, by reason of their numerous branches in France,
- La Societe Generale de Credit industriel et commercial,
- La banque de Paris et de Pays-Bas,
- Le Credit du Nord,
- Le Comptoir d'escompte,
- Le Banque transatlantique,
- and in general all the banks which formerly co-operated with the promoter companies.

- 6 -

5) Commission on re-sales done by the promoter companies.

In accordance with the agreement concluded with the IG Farbenindustrie on 18 November 1941, the articles produced by Francolor, as far as they do not come within the field of dyo-stuffs, will be resold by the parent firms, these firms acting as agents and taking over the deliveries.

The commission granted on sales of products manufactured by Francolor will be fixed for the first three months of 1942 at:

10 % for chemical mineral products

12 % for organic mass-products: Benzole, Toluole, Xylone, aniline, aniline salt, nitro-benzole (essence of Mirbane)

Furthermore it will be fixed at:

20 % for all other products, such as plastics, sythetic resins, special products for the rubber industry, etc., pharmaceutical products and R.I.L.

The commission will be calculated on the basis of the gross selling price after deduction of rebates and discounts.

As the agenda did not contain any other items the meeting terminated at 12,15 hours noon.

signed: FROSTARD

- 68 -

Document Book IV Schnitzler
Schnitzler Doc. No...
Exhibit No...

CERTIFICATE OF TRANSLATION

9 April 1948

I, Julia Kerr ETO 20165, hereby certify
that I am a duly appointed translator for
the German and English languages and that
the above is a true and correct translation
of Document Book IV Schnitzler.

Julia Kerr

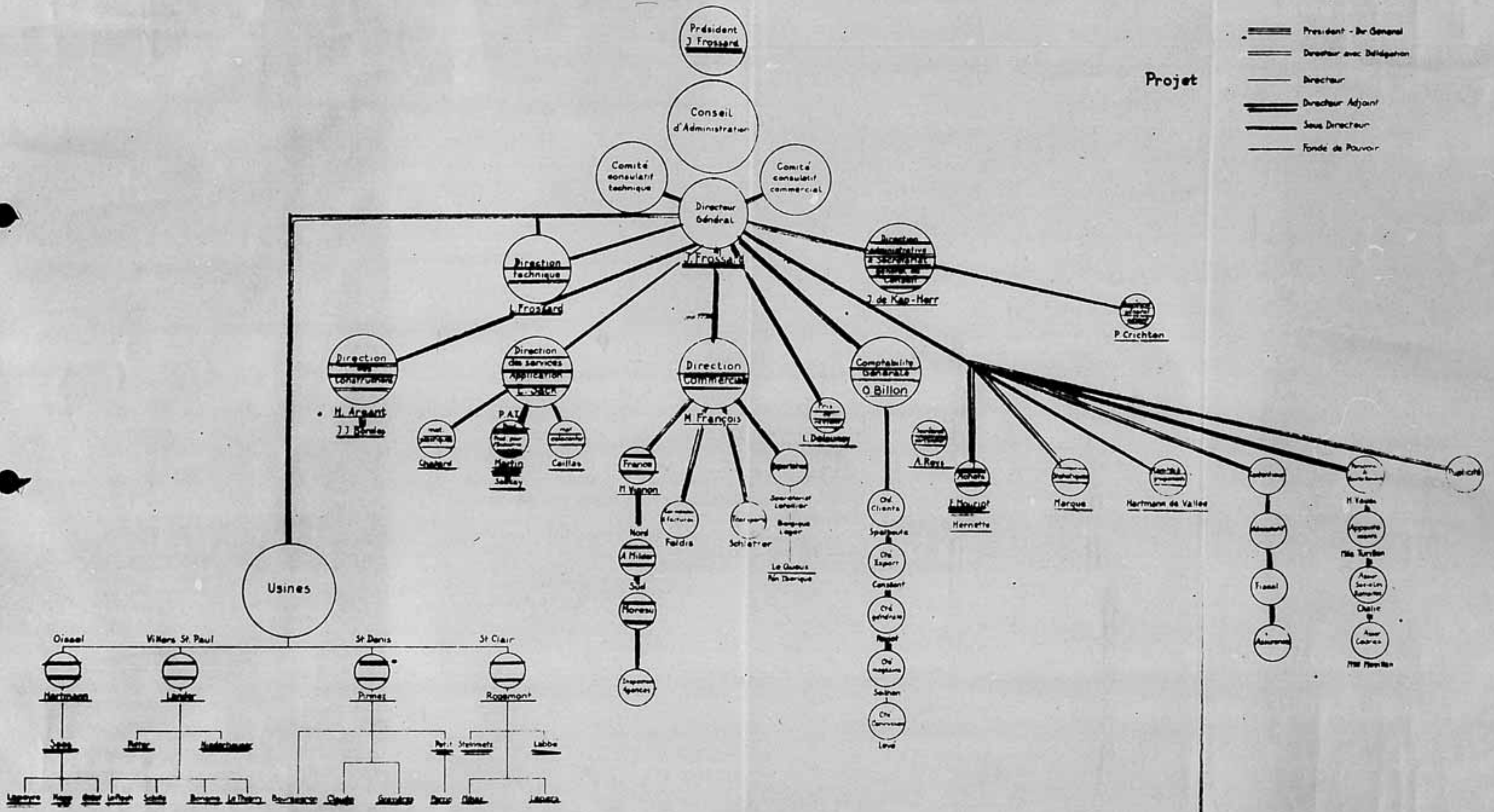
ETO 20165.

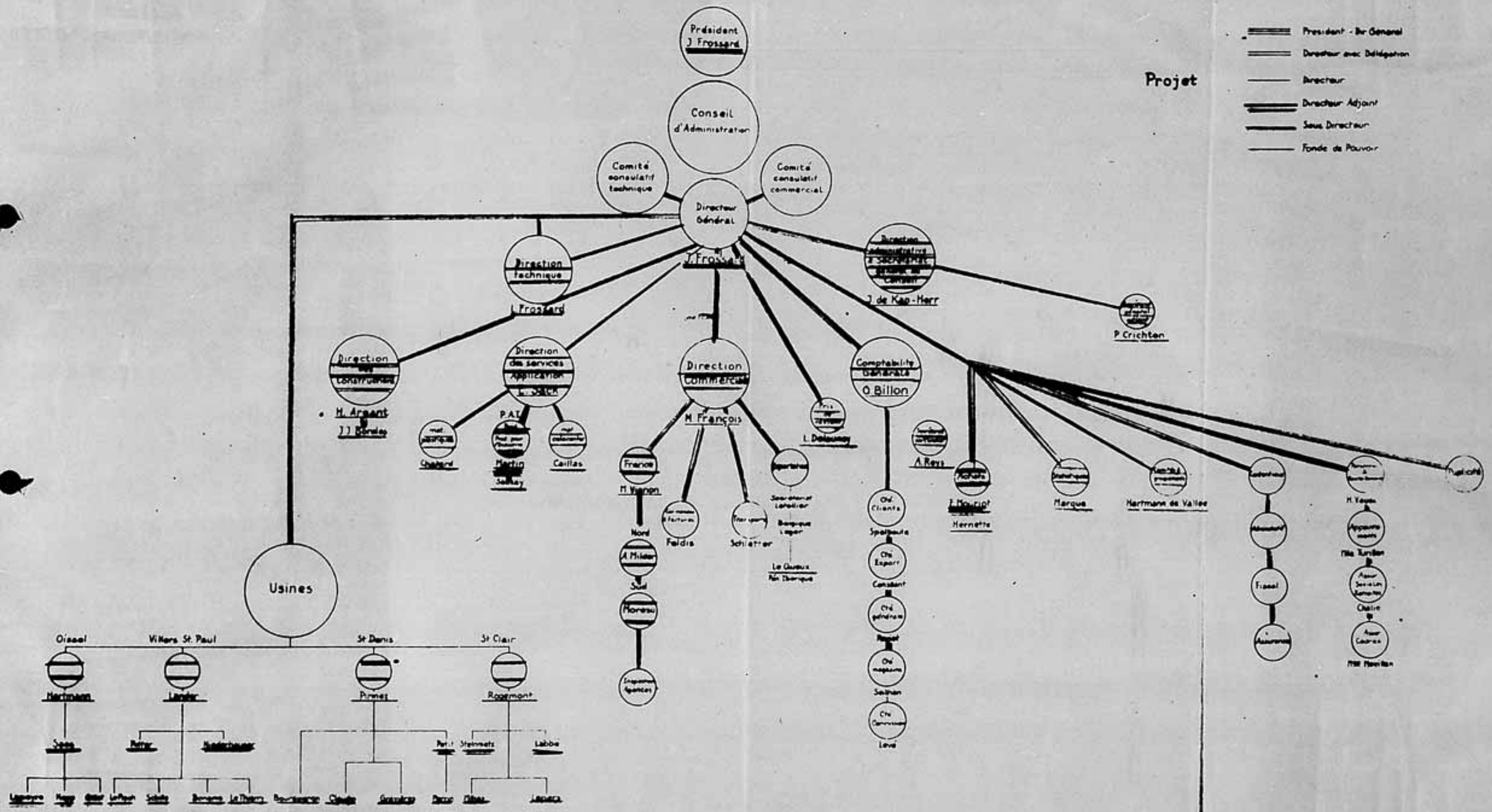
- 68a -

" END "

Projet

- ==== President - Dir General
- ==== Directeur avec Délégation
- Directeur
- ==== Directeur Adjoint
- ==== Sous Directeur
- Fondé de Pouvoir





Projet

- ==== President - Br Général
- ==== Directeur avec Délégation
- Directeur
- ==== Directeur Adjoint
- ==== Sous Directeur
- Fonde de Pouvoir

Case 6
Defense

DOCUMENT BOOK V

for

Dr. Georg von SCHNITZLER

SUBMITTED TO
MILITARY TRIBUNAL VI
IN CASE VI
BY
Dr. WALTER SIEMERS,
ATTORNEY-AT-LAW
AT HAMBURG

Georg



INDEX

to Document Book V

for Dr. Georg von SCHNITZLER

Documents 79 - 98, pages 1 - 115.

SCHNITZLER No.	Exhibit No.	Description of Document	Page
Francolor-agreement (continuation).			
79		French Law No. 582 of 2 June 1942, containing the sanctioning of the foundation agreements of the Francolor.	1 - 5
80		Letter from the IG, dated 27 July 1942, containing the notification about the legal sanctioning of the Francolor-agreement.	5 - 7
81		Affidavit of Hans MUEENCH. On the basis of the turn-overs of the French color factories, stated by the French, the Francolor would have had to receive approx. 1 - 1.1% of the IG shares capital in return for 5% Francolor shares. In actual fact, however, the Francolor received 1.4%, that is to say approx. <u>1/3 more.</u>	8 - 11
82		Affidavit of Dr. Oskar LOEHR. 1. The color production of the IG decreased constantly during the war. 2. The deliveries of coloring matter intermediate products to the Francolor works increased constantly during the war. 3. More than 95% of the coloring matter production of the French remained in France or was exported to Belgium, Spain or Portugal.	12

SCHNITZLER No.	Exh. No.	Description of Document	Page
83		Affidavit of Dr. Berthold WENE 1. The IG did not take out any apparatuses or machinery from the Francolor factories. 2. The IG's order to the Francolor for 8,000 tons of coloring matter per annum was already given before the founding of the Francolor. The first order for approx. 1,000 tons was given as early as June 1941, that is half a year before the founding (see documents # 51 - 53).	13 - 14
84		Affidavit of Dr. Berthold WENE concerning the extensive technical support which was given to the French coloring matter factories by the IG by means of the latter putting technical personnel at the disposal of the French factories in so far as the Francolor desired this, and by means of giving patents and manufacturing processes to the French factories.	15 - 20
85		Excerpt from the commercial register concerning the increasing of the shares capital of the IG on the basis of the decision made during the general meeting of 11 July 1942.	21 - 22
86		*Notice for the mother firms of the Francolor" dated 11 July 1942, signed by SCHNITZLER. Through the adjustment of the capital which was carried out in 1942 the Francolor receives further shares in the nominal amount of RM 3,187,500.-- (without compensation of the part of the Francolor). As a result of the increase of the capital which also took place in 1942 the Francolor receives the subscription right to new IG shares in the nominal amount of RM 3,187,500.-- or, at the discretion of the Francolor, the possibility of selling the subscription right.	23 - 29
87		Note of Dr. KRUMER about the discussion with FROESARD on 3 August 1942, concerning the increase of the capital of the I.G. All three French coloring matter factories wish to participate in the increase of the capital, that is to say to acquire the new shares. The French government through Minister of finance CATHAIE and Minister of production BICHELOUPE has agreed to this.	30 - 31.

SCHNITZLER Exh.No.	Description of Documents	Page
88	Letter from the I.G. to the Reich Economic Ministry, dated 7 August 1942, concerning the acquiring of new I.G. shares, by the French coloring matter factories, in the nominal amount of RM 3.187.500,— <u>Request of the I.G. that as an exception to the current regulations the French coloring matter factories be allowed to pay the equivalent value of the new shares in the amount of RM 3.187.500,— by way of the German-French clearings.</u>	32-36
89	Letter from Etablissement KUHLMANN to the I.G. through DUCHEMIN, dated 12 September 1942, containing the notification that in a meeting on 12 September the Verwaltungsrat of the firm KUHLMANN decided in favor of the subscription to the increase of the capital.	37-41
90	Letter from the I.G. to the Reich Ministry of Finance, dated 19 February 1943, requesting that the Ministry's decree of 23 June 1941 concerning the exemption of the French coloring matter factories from taxes be expanded, for reasons of equal treatment, to the acquisition of the new shares, since the I.G. has also been exempted from taxes in France due to its share in the Francolor.	42-44
91	Note of the Sopi, Paris, dated 6 July 1942, according to which FROSSARD, on the basis of a discussion with the government, makes the suggestion for the Francolor that <u>specialized chemical workers</u> of the Francolor, who have volunteered for that purpose, be assigned to a factory of the I.G.	45-48
92	Letter from Etablissement KUHLMANN to Dr. KRACKER through DUCHEMIN, dated 23 September 1942: DUCHEMIN expresses thanks to the I.G. because the latter had taken the part of the technical advisor of KUHLMANN, M.R.BERR. M.BERR had been arrested as a Jew and was released as a result of the efforts of the I.G.	49-50

SCHNITZLER No.	Exh.No.	Description of Document	Page
	93	Received as BURKART Exhibit No.210 by the <u>Military Tribunal</u> in the <u>FLICK Case</u> : "Diplomatic Corps in Vichy and Consulates", excerpt from "Gotha Annual Chronicle for Diplomacy, Administration and Economics" (Gothaisches Jahrbuch fuer Diplomatie, Verwaltung und Wirtschaft) of the year 1942, according to which 43 states <u>including the U.S.A.</u> maintained diplomatic relations with the Vichy government.	51-62
	94	<u>Excerpt from the transcript</u> of the <u>FLICK Case</u> concerning the interrogation of the witness <u>envoy Rudolph SCHEIBER</u> with regard to the legal position of the Vichy government.	63-72
	95	Affidavit of <u>Carl William Holm Hans Henning Dominique von BOSE</u> , member of the present ministry of justice of Wuerttemberg, concerning the <u>coming into existence of the Vichy government in accordance with the constitution</u> . Sanctioning through absolute majority vote of the French National Assembly on 10 July 1940.	73-83
	96	Excerpt from the book by <u>Jean MONTIGNY</u> : "From the Armistice to the National Assembly, 15 June - 15 July 1940. This reveals the <u>legality of the Vichy government</u> , and has an appendix concerning the majority vote of the French National Assembly.	84-103
	97	Excerpt from "Samedi-Soir" of 14 February 1948: "PEPAIN: A traitor or a fighter of the resistance movement?"	104-112
	98	" <u>KUHMANN and the I.G. interests</u> ", excerpt from: "Die Badische Zeitung" of 4 November 1947, according to which the French government objected to the return of the shares (which belonged to the I.G.) to <u>KUHMANN</u> , because " <u>KUHMANN did not act under duress during the founding of the Francolor</u> ".	113-115

Document Book V SCHWITZLER
Document SCHWITZLER No. 79
Exh. No.

I, Dr. Walter SIEMERS, Attorney-at-Law in Hamburg, at present defense counsel with the American Military Tribunal in Nuernberg, hereby certify that the attached document:

Official Gazette
of the French State

Monday, 15 and Tuesday, 16 June 1942

Laws and Decrees

Law No. 582 of 2 June 1942
Approval of the Agreement Concerning
the Organization of the Société FRANCOLOR

is a true and correct copy of the original files of the I.G. Farbenindustrie Aktiengesellschaft in Frankfurt, regarding the agreement Société Anonyme de Matières Colorantes et Produits Chimiques "FRANCOLOR", Paris.
Nuernberg, 20 February 1948

(Dr. SIEMERS)

Translation

Seventyfourth year - No. 143
Sales-price: fr. 1.50

Monday, 15th and Tuesday, 16th June 1942

OFFICIAL GAZETTE

of the French State

Laws and DECREES

Decisions, Rulings, Circulars, Proclamations, Reports,
Informations and Notifications.

In case of renewal and reclamations the last banderole is to be inclosed	Management, editorial management, and administration Vichy (allied)	3 franks to be inclosed in case of change of address
---	--	---

Law No. 582 of 2 June 1942
Approval of the Agreement
Concerning the Organization of the Société FRANCOCOLOR

We, the Marshal of France, Head of the
French Government,

decree with the approval of the Council of Ministers:

Article 1. - The agreement which was reached on 18 December 1941 with regard to the organization and activity of the Société anonyme des matières colorantes et produits chimiques FRANCOCOLOR, between the Compagnie nationale des matières colorantes et Manufacture de produits chimiques du Nord réunies, Etablissements KUHLMANN, - the Société anonyme des matières colorantes et produits chimiques de Saint-Louis - and the Compagnie française de

(page 2 of original)

produits chimiques et matières colorantes de Saint-Clair-du-Rhône,
is herewith approved.

Article 2. - This decision is published in the official
Gazette and is to be considered as law.

Issued at Vichy, 2 June 1942

Ph. PETAIN

For the Marshal of France, President of the French Government:

The Minister of Justice
The State Secretary in the Ministry of Justice

JOSEPH BARTHELEMY

The State Secretary in the Ministry of Finance

PIERRE GATHALA

The State Secretary for Industrial Production

JEAN BICHELONNE

I, Dr. Walter S I E M E R S, Attorney -at-Law, at present
Defense Counsel at the American Military Tribunal, Nuernberg, hereby
certify, that the inclosed document,

letter of the office of manag^ement Farben, Frankfurt/Main
to the receivers of the "Francolor" contract,
dated 27 July 1942,

Subj.: "Francolor"-Contracts

is a verbatim copy from the original Documents of the I.G. Farben
industry, filed in Frankfurt, and referring to the contracts Société
Anonyme de Matières Colorantes et Produits Chimiques, "FRANCOLOR",
Paris.

Nuernberg, 20 Februar 1948.

(Dr. SIEMERS)

Document Book V SCHNITZLER
Document SCHNITZLER No. 80
Exh. No.

Office of the Board of Management Farben
to the Receivers of the "Francolor"-contracts.
"Francolor" Contracts.

The legal sanctioning of the Francolor-Agreement which had been promised in the letter from the Minister of Finance to the mother-firms, (see point 18 of our circular of 16 March 1941) has in the meantime been effected. Inclosed we are forwarding to you a copy of the official publication in the "Journal Officiel" No.143, dated 15/16 June 1942, with the request to supplement the contracts submitted to you.

Inclosure

Office of board of management Farben
sgd. ECKERT.

Affidavit

I, Hans MUENCH, residing in Frankfurt/Main, Spenerstrasse 7, have been warned that I render myself liable to punishment if I make a false affidavit. I declare on oath that my statement corresponds to the truth and was made in order to be submitted in evidence to Military Tribunal No. VI in the Palace of Justice in Nuernberg, Germany.

I am an employee of the I.G. Farben industry Aktiengesellschaft, which is now being dissolved, and am working in the bureau of the Control Office in Frankfurt/Main.

In the course of the founding of the Francolor, the I.G. took over 51% of the Francolor-shares and paid for them through the exchange of I.G.-shares at a value of RM 12 750 000.—

The total share-capital of the I.G. amounted in 1941, at the time of the founding of the Francolor, to 900 Million RM. If the Francolor received for its 51% shares I.G. shares of a nominal value of 12 750 000 RM, it thus received in percentages about 1.42% of the entire capital of the I.G.

I have been requested by the Defense Counsel Dr. SIEMERS, to compare the returns in the field of coloring matters of the French dye-factories, which were combined in the Francolor, with the returns of the I.G. in the coloring matter market and the total returns of the I.G. and to calculate which percentage of the entire capital of the I.G. the Francolor had to get on the basis of the return figures as equivalent for the 51% Francolor-shares.

1. With regard to the returns of the French coloring matter factories, which were combined in the Francolor, the minutes of the German-French discussion of 16/19 June 1941 have been

(page 2 of original)

submitted to me, including the respective original statements on the part of the three French firms. I add that those are the figures which were the basis of the Francolor-agreement. The following returns of the French firms are apparent from this, with due consideration for the devaluation of the Franc in 1940 (that is to say; the actual return-figures have been increased in the lists which follow below according to the French valuations):

- a) 1938 701 Million ffrs = RM 35,500,000.—
- b) 1939 774 Million ffrs = RM 38,700,000.—

2. Below I am giving the returns of the I.G. in the coloring matter market and the total turn-overs of the I.G. and their percentages for the years 1938 and 1939:

in thousand RM

a) 1938

Total returns of the I.G.1,545,383

Turn-over of the I.G. for coloring matters,
dye-aiding products and commercial goods
connected with it, total 354,120

The return from coloring matters was therefore in 1938 22.1% of the total turn-over of the I.G.

b) 1939

Total turn-over of the I.G.1,987,782

Returns of the I.G. in coloring matters,
dye-aiding products and commercial goods
connected with it, total 398,210

The returns from coloring matters therefore amounted to 20% of the total returns of the I.G. in 1939.

(page 3 of original)

3. Comparison between the French return-figures and the I.G.
return-figures:

	<u>Millions in round figures:</u>
a) <u>1938</u>	
French dye-returns	36 Million RM
I.G. dye-returns	354 " "
I.G. total returns	1,545 " "

Accordingly, the French dye-returns amount
to 10% of the I.G. dye-returns, and
...2.2% of the total returns of the I.G.

b) <u>1939</u>	
French dye-returns	39 Million RM
I.G. dye-returns	398 " "
I.G. total returns	1,988 " "

Accordingly, the French dye-returns amount
to 10% of the I.G. dye-turn-over, and
....2% of the total returns of the I.G.

4. The above listed figures show, that the turn-over of the French dye factories, which were combined in the Francolor, amounted to about 2% to 2.2% of the total returns of the I.G. If therefore the I.G. took over 51% of the Francolor-shares and paid for them in I.G.-shares, then, on the basis of the return figures of 1938 and 1939, the I.G. had to put

about 1% to 1.1%

of its entire share capital at the disposal of the Francolor.
Actually the I.G. as mentioned previously, put,

Document Book V SCHNITZLER
Document SCHNITZLER No. 81
Exh. No.

(page 4 of original)

1.4~~2~~

at the disposal of the Francolor.

Frankfurt/Main, 5 March 1948

signed: Hans MUENCH
(Hans MUENCH)

The foregoing signature given before me, attorney-at-law
Helmut HENZE, by Herr Hans MUENCH, residing in Frankfurt/Main,
is hereby certified and witnessed.

Frankfurt/Main, 5 March 1948

signed: HENZE
(Helmut HENZE)

A F F I D A V I T .

I, Dr. Oskar LOEHR, residing in Leverkusen - I.G.-Works, Kaiser-Wilhelm-Allee 3, German citizen, have been cautioned that I render myself liable to punishment if I make a false affidavit.

I declare on oath that my statement corresponds to the truth, was made voluntarily and without duress in order to be submitted as evidence before the Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

1.) According to the data of the former Tea office of the I.G. Farben Industry Aktiengesellschaft, the dye stuff production within the I.G. developed as follows:

1938	50 500 tons
1941	37 200 tons
1942	34 200 tons
1943	31 700 tons

2.) an infinitesimal percentage (below 5%) of the dye stuff production of the Francolor was delivered to Germany, more than 95% of the output remained in France, apart from the export deliveries of the Francolor to Belgium, Spain, and Portugal.

3.) Deliveries of dye stuff intermediary products to the Francolor Works:

	<u>Quantity in kilograms</u>	<u>Value in Reich Marks</u>
1938	46 136	164 471
1939	47 279	181 031
1941	11 636	35 645
1942	185 809	677 970
1943	154 585	596 469

These figures refer only to those products from which products in the field of dye stuffs are processed. As nearly all the dye stuffs made from them remained in France, the deliveries by the I.G. of intermediary

Document Book V SCHNITZLER
Document SCHNITZLER No. 82
Exh. No. ...

products constituted an extremely important prop for the dye stuff business of Francolor, the more so since, in the years of 1942 and 1943, they included a number of special intermediary products which the I.G., under normal conditions, did not generally offer for sale.

Leverkusen, 17 March 1948

signed: Dr. Oskar LOEHR

(Dr. Oskar LOEHR)

Certificate: I herewith certify the above signature of Dr. Oskar LOEHR, residing in Leverkusen I.G. Works, Kaiser-Wilhelm-Allee 3, which was made before me, on 17 March 1948.

Leverkusen, 17 March 1948

signed: Dr. Hugo SCHRAMM

(Dr. Hugo SCHRAMM)

Attorney and Defense Counsel.

A F F I D A V I T .

I, Dr. Berthold WENK, residing in Leverkusen-Wiesdorf, Goethe-Platz 4, German citizen, have been cautioned that I render myself liable to punishment if I make a false affidavit.

I declare on oath that my statement corresponds to the truth and was made voluntarily and without duress in order to be submitted as evidence before the Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

I was a member of the technical commission of the Francolor since its foundation, and even before then I conducted various negotiations in the technical sphere with the French dye stuff factories. I am therefore familiar with all events in the technical sphere relating to the Francolor, and I was informed of all other important matters by way of copies of the respective documents.

1.) According to my knowledge and to the data in my hands, the I.G. did not remove any apparatus or machinery from the French dye stuff factories incorporated in the Francolor.

2.) In order to help the I.G., a re-location order comprising 8 000 tons of dye stuff was agreed upon between the I.G. and Francolor in 1941. The first installment of this total order was effected in June 1941 and consisted of 1012 tons dye stuff worth RM 2 652 840.--.

3.) The technical assistance which the I.G. rendered to the Francolor enabled the latter to open up new branches of production, i.e. to turn out products they had not previously been able to produce. These, above all, were the following textile auxiliaries and detergent raw materials:

fatty alcohols
fatty alcohol sulfonates (Cyclanon)
Ethanolamide - condensation products
(detergents Lixopon)

Soromine SG
spindle oil MSG
Special avivage G
Ramasite.

The I.G. sent preliminary products from Germany for the manufacture of some of the products listed above; owing to the lack of data, it is impossible to state the amount and value at present.

Leverkusen, 17 March 1948

signed: Dr. Berthold WENK

(Dr. Berthold WENK)

Certificate: I hereby certify the above signature of Dr. Berthold WENK, residing in Leverkusen-Wiesdorf, Goetheplatz 4, which was made before me on 17 March 1948.

Leverkusen, 17 March 1948

signed: Dr. Hugo SCHRAMM

(Dr. Hugo SCHRAMM)
Attorney and Defense Counsel

A F F I D A V I T .

I, Dr. Berthold WENK, residing in Leverkusen-Wiesdorf, Goetheplatz 4, German, have been cautioned that I render myself liable to punishment if I make a false affidavit.

I declare on oath that my statement corresponds to the truth and was made voluntarily and without duress in order to be submitted as evidence before the Military Tribunal No. VI in the Palace of Justice, Nuernberg, Germany.

- 1.) I entered the employ of the Farben industry, formerly Friedrich Bayer & Co., Leverkusen, in 1913. Starting as factory chemist, I later became department chief of the Triphenylmethane dye stuff plants in Leverkusen. For several years I was chief of the trade commission for Triphenylmethane dye stuff within the I.G. . Early in 1933 I was appointed a manager of the I.G. Farben Industry and took charge of all dye stuff producing departments of the Leverkusen works. At present, I hold the same position in the Leverkusen works of the Bayer dye stuff factories.
- 2.) Having worked for years in one of the largest dye stuff factories in the field of dye stuff manufacture, I am well versed in all problems of

dye stuff production and factory organization.

- 3.) In 1941, after negotiations with representatives of the French dye stuff factories were in progress, Dr. Fritz ter MEER, at various times, discussed with me problems of a future technical re-organization of production in the plants Villers St. Paul, Oissel, St. Denis and St. Clair du Rhone, and, after the foundation of the Francolor, I was appointed a member of the technical commission of the Francolor on his proposal. Dr. ter MEER explained my task to the effect that I was to
- a) ascertain the state of the four French plants,
 - b) examine what improvements or means to increase efficiency were possible in the production conditions,
 - c) consider the possibilities of future development by means of expansion of the works and by the manufacture of additional products.

It was the clear intention to put the French factories on a modern basis corresponding to the standards of the I.G.

- 4.) In order to resume production in the four plants, largely paralyzed owing to the war, the I.G. Farben Industry assigned numerous products to be made by the Francolor; such as:

dye stuffs
monochloracetate
vulcanization accelerator
mononitronaphthaline
kaurit glue
alkyd resins
phthalic acid anhydride
formaldehyde
pest control agents
pentaerythritol for alkyd resins
pigment green
fatty alcohols
textile auxiliaries.

- 5.) With the express agreement of Dr.ter MEER considerable quantities of manufacturing processes and technical data with all details as well as apparatus were given to the Francolor; for instance for:

phthalic acid anhydride
formaldehyde
fatty alcohols
ranasite
textile auxiliaries
alkyd resins
indanthren blue
pigment green
direct deep black
conversion of the anthrachinon plant in Villors St.Paul to the production of phthalic acid anhydride
assistance with Vinidur apparatus parts.

French chemists and technicians of the Francolor at various times visited the I.G. plants at Ludwigshafen, Leverkusen, Hoechst, Griesheim for training. Conversely, German chemists and technicians of the I.G. were sent to Francolor in order to install and start production plants there.

- 6.) Owing to the complicated nature of the many-sided dye stuff industry with its thousands of products and, since the dye stuff production was severely curbed, the planned modernization of the dye stuff production could only be started slowly.
At first

the mutual views on important production problems were discussed in many personal conversations with the French gentlemen. The French people had many questions to ask as to constitution and production processes. These questions were most readily answered. The dye stuff direct deep black, as the biggest and most important product, was given special attention. With the aid of plant and laboratory chemists the manufacturing process was scientifically and technically discussed (on 5 and 6 July 1943 in Paris; apart from myself Dr.BORMANN from Leverkusen was present), and our experiences over many years were disclosed.

- 7.) The Francolor was currently advised on questions of practical application of dye stuffs.

We helped the Francolor to obtain substitute materials, partly from our own I.G.works, partly from other firms. For instance, pipes and other parts were made to measure from Vinidur (a modern acid resistant artificial material) in Leverkusen and installed in Villers St.Paul by a worker from Leverkusen (Walter HOCHAPFEL, now chairman of the factory council).

- 8.) The Francolor was considerably assisted in the Alkyd resin production. The I.G.specialist, Dr.KIRBERG, Uerdingen, was frequently sent to Villers St. Paul and the production was started after many days of work.

- 9.) The subject of vulcanization accelerators was thoroughly discussed; among others, Director Dr.LUDWIG and Dr.EICHLER from Leverkusen were in Paris and St.Denis on 7 July 1943 for consultations. On the other hand, Director PIRMEZ from St. Denis was in Leverkusen on 14 and 15 April 1944 for information.
- 10.) Since no copper was available for viticulture, the Francolor was to produce a new pest control agent. After intensive preliminary discussions with the Francolor, Herr HARTMANN, Director of the works Cissel, was invited to Frankfurt. On 9 January 1943 conferences and plant inspections took place in Hoechst and Griesheim. Director HARTMANN received detailed information on the production process, the preparation of the marketable merchandise and the inspection regulations.
- 11.) The people of the Francolor constantly asked questions and had very many requests to make in all fields. I should like to mention in addition, although it is a little off the subject, that the pharmaceutical department of the I.G.plant Elberfeld had a pharmaceutical product (sulfonamide) of the Francolor tested in German hospitals and imparted the result.
- 12.) The patents of the Francolor were tested and advice was given on the basis of our great I.G. experiences.
- 13.) As the release of production processes or the communication of many details of production

Document Book V SCHNITZLER
Document SCHNITZLER No.84
Exh. No.

processes imposed a great responsibility upon me, I frequently sought Dr.ter MEER's backing. Dr.ter MEER always approved my suggestions most readily.

Leverkusen, 6 January 1948

signed: Berthold WENK

Certificate: I hereby certify the above signature of Dr. Berthold WENK, residing in Leverkusen-Wiesdorf, Goetheplatz 4, which was made before me.

Leverkusen, 6 January 1948

signed: Karl BORNEMANN

Defense Counsel in Case VI
before the Military Tribunal
in Nuernberg

Document Book V SCHNITZLER
Document SCHNITZLER No. ~~64~~ 85
Exh. No.

I, Dr. Walter SIEMERS, attorney in Hamburg, at present
Defense Counsel before the American Military Tribunal Muernberg,
herewith certify that the enclosed document:

Report of the clerk's office of the local court (Amtsgericht)

Frankfurt

dated 11 July 1942

on the entry of the increase in capital to

RM 1,400,000,000.—

is copied literally from the original files of the I.G. Farben
Industrie Aktiengesellschaft in Frankfurt.

Muernberg, 5 March 1948.

(Dr. SIEMERS)

Office
of the Local Court (Amtsgericht) Frankfurt/Main, 11 July 1942

41 HR (Official Register) B. 400

The following entry was made today in the Official Register,
Section B, concerning the firm of

I.G. Farbenindustrie Aktiengesellschaft

Frankfurt/Main:

Column 1: No. 22

Column 3: RM 1,400,000,000.--

Column 5: By resolution of the general meeting on 11 July 1942,
the capital stock of the company was increased by
RM 235,000,000.-- to RM 1,400,000,000.--. The in-
crease of the capital stock was effected. The capital
stock is now RM 1,400,000,000.-- and is made up of
1,063,520 common stocks with a nominal value of
RM 100.-- each,
2,015,725 common stocks with a nominal value of
RM 200.-- each,
850,493 common stocks with a nominal value of
RM 1,000.-- each,
and of 40,000 preferred stocks with a nominal value
of RM 1,000.-- each.

Articles 5 and 30 of the Statutes were modified by
resolution of the same general meeting.

Column 7: a) 11 July 1942
signed: SCHWALB

By request
signed: HEUER
Justice Clerk

Firm I.G. Farbenindustrie A.G. in Frankfurt/Main.
Copy of
Page 33 of the Official Register to be sent to:

Legal Division, Berlin NW 7
Central Accounting Office
Central Tax Division
Director Dr. von NIBRIEM

I, Dr. walter SIEMERS, Attorney-at-law in Hamburg, at present Defense Counsel at the American Military Tribunal Nuernberg, certify that the enclosed document,

Note for the Parent Companies of the "Francolor"
dated 11 July 1942, signed by Dr. von SCHNITZLER

is a literal and correct copy of the original which was taken from the Francolor files of the I.G. Farbenindustrie Aktiengesellschaft in Frankfurt/Main.

Nuernberg, 4 March 1948

signed: (Dr. SIEMERS)

11 July 1943

Note for the Parent Companies of the "Francolor".

The present capital stock of the I.G. is

..... nominal RM 900,000,000.--

This capital was increased by... nominal RM 225,000,000.--

to a total of..... nominal RM 1,125,000,000.--

Of the newly issued stock nominal RM 225,000,000.-- are offered at par to the company's holders of common stock in the ratio of 5:1 on the adjusted capital (that is 4:1 on the non-adjusted capital). The payment on the new shares plus 4 per cent interest since 1 July 1942 must be made by 31 December 1942 at the latest. The I.G. dividend for 1941 is 5 per cent on the adjusted capital stock.

With regard to the holdings of I.G. stock by the French parent companies of the Francolor, this regulation shows the following effect:

1.) Present holdings of I.G. stock by the French parent companies of the Francolor as a result of the Francolor-.....

(illegible)

transaction nominal RM 12,750,000.--

To this must be added new shares as a result of the capital adjustment nominal RM 3,187,500.--

New holdings after completion of the capital adjustment nominal RM 15,937,500.--

The increase of the capital stock in the ratio of 5:1 on the adjusted capital amounts to nominal RM 3,187,500.--

so that if the right to subscribe to new stock is being exercised, the future holdings of I.G. stock by the French parent companies of the Francolor would amount to ... nominal RM 19,125,000.--

(page 2 of original)

2.) On the strength of the previous holdings and of a dividend rate of 8 per cent, the parent companies would have received for 1942 gross dividends of RM 1,020,000.--
Applying the same dividend rate for 1942 as in 1941, that is of 5 per cent, the parent companies after participation in the increase of the capital stock would receive out of nominal RM 19,125,000.-- RM 1,147,500.--
The excess of RM 127,500.-- corresponds to an interest of 4 per cent on the amount paid at par for the increase of the capital stock of nominal RM 3,157,500.--.

3.) The Francolor shares will not pay a dividend before 1 January 1942. The shareholder whose shares were to pay a dividend already in 1941 ought to have received a dividend rate of 5.4 per cent lest he should be worse off after the completion of the increase of the capital stock than he would have been in the case of a dividend rate of 8 per cent paid on the non-adjusted capital. The shareholder, whose shares were due to pay a dividend already in 1941, finds a compensation for the loss of 0.4 per cent on the adjusted capital stock - taking a dividend of 5 per cent for 1942 as a basis - in the fact that the shares derived from the increase of the capital stock, although due for payment not before 1 July 1942, that is to say payable on 31 December 1942 plus 4 per cent interest per annum, will pay a dividend already from 1 January 1942. In exercising their right to subscribe to new stock, the parent companies will automatically participate in this adjustment, that is to say they will receive a one and only additional payment. The following calculation is to make this clear: - 25 -

(page 3 of original)

A shareholder holding shares equivalent to the parent companies' holdings from the Tricolor transaction, would have received, at a dividend rate of 8 per cent for 1941, from nominal RM 12,750,000.-- = RM 1,020,000.--

After completion of the capital adjustment he receives only 5 per cent on nominal RM 15,937,500.-- = RM 956,250.--

that is to say RM 53,750.-- less

(or 0.4 per cent on RM 15,937,500.--).

In contrast to that, the shareholder receives on the increase of the capital stock of nominal RM 3,187,500.--, at a dividend rate of 5 per cent for 1942 RM 191,250.--

As against a normal 4½ interest on the newly paid capital of nominal RM 3,187,500.-- RM 127,500.--

he thus receives a one and only additional... payment of RM 53,750.--

as a compensation for the reduced dividend which the shareholder must accept according to the above calculation. The same result is obtained if one starts from the consideration that the amount of the increase of the capital stock would normally yield 4 per cent per annum for 1942, that is 2 per cent on the capital increase for the period from 1 July to 31 December 1942, whereas the shareholder receives 5 per cent, thus an excess of 4 per cent reduced by the amount of interest of 4 per cent for a half year, that is 2 per cent on the increased amount of capital, so that there results a net surplus of 2 per cent on the capital increase; 2 per cent in relation to the amount of the capital increase of nominal RM 3,187,500.-- make again RM 53,750.--.

4.) The capital adjustment is merely a numeral change of the denomination of the capital stock. Therefore, the shares to be issued under the adjustment are immediately subject to the registration of stock as agreed upon in Section III of the Convention, and the dividends on the

(page 4 of original)

adjusted capital are likewise immediately subject to the private dividend-clearing provided for in Section V of the Convention and approved of by the mutual governments.

The payment to be made for the increase of the capital stock by the parent companies of the Francolor requires the consent of the French ministry. As for the requisite permission of the German foreign exchange authorities for this payment, the I.G. will take the necessary action.

It would seem advisable to include under the private dividend-clearing also the amount of dividend falling to the share of the French parent companies from the increase of the capital stock, by way of a supplementary agreement according to Section V.

This requires the consent of the French and German authorities. It may be assumed that the German foreign exchange authorities will agree to this if, by an additional agreement, the amount of the increase of the capital stock is subject to the registration of stock in the same manner as the stock originally derived from the Francolor-transaction.

5.) After completion of the capital adjustment and in the case of a participation of the parent companies in the increase of the capital stock, the dividend-clearing would show the following gross figures - that is without regard to the deduction for taxes on both sides and taking a Francolor-dividend of 5 per cent as a basis:

5% on I.G. shares nominal RM 19,125,000.--	RM	1,147,500.--
that is, at the exchange rate of 20	ffcs	22,950,000.--

in contrast to that, 6 per cent on
Francolor shares of nominal ffcs 408,000,000.--

ffcs 24,480,000.--

hence, a fractional amount, in favor of
the I.G., not covered by the clearing, of
RM

ffcs 1,530,000.--

(page 4 of original, cont'd)

as against hitherto	<u>ffcs 4,080,000.--</u>
The difference of	ffcs 2,550,000.--
at the exchange rate of 20 is	
equivalent to	<u>RM 127,500.--</u>

that is to the 4 per cent interest on the payment on shares
of RM 3,187,500.--.

(page 5 of original)

In net figures, that is to say if the present deductions for taxes are taken into consideration, the dividend-clearing shows the following picture - taking a Francolor dividend of 5 per cent as a basis:

5 per cent on I.G. shares nominal RM 19,125,000.—	RM 1,147,500.—
less 15 per cent income tax upon return of investment	<u>RM 172,125.—</u>
net dividend to be paid into the clearing	RM 975,375.—
that is, at the exchange rate of 20	ffcs 19,507,500.—
in contrast to that, 5 per cent on Francolor shares of nominal ffcs 408,000,000.—	
that is	ffcs 24,480,000.—
less 30 per cent French dividend tax	ffcs 7,344,000.—
net	<u>ffcs 17,136,000.—</u>
hence, a fractional amount, <u>in favor of the Francolor</u> , not covered by the clearing, of	<u>ffcs 2,371,500.—</u>

Taking a Francolor dividend of 8 per cent, as it is planned for a later time, the picture would show the following gross figures, that is without regard to the present deductions for taxes:

5 per cent on I.G. shares nominal RM 19,125,000.—	RM 1,147,500.—
that is, at the exchange rate of 20	ffcs 22,950,000.—
in contrast to that, 8 per cent on Francolor shares of nominal ffcs 408,000,000.—	<u>ffcs 32,640,000.—</u>
hence, a fractional amount, <u>in favor of the I.G.</u> , not covered by the clearing, of	<u>ffcs 9,690,000.—</u>

(page 6 of original)

The net-calculation based on a Francolor

dividend of 8 per cent is as follows:

8 per cent on I.G. shares nominal RM 19,125,000.--
RM 1,147,500.--

less 15 per cent income tax upon
return of investment RM 172,125.--

net dividend to be paid into the
clearing RM 975,375.--

that is, at the exchange rate of 20 ffcs 19,507,500.--

in contrast to that, 8 per cent on

Francolor shares of nominal ffcs 408,000,000.--

i.e. ffcs 32,640,000.--

less 30 per cent
French dividend tax ffcs 9,792,000.--

net ffcs 22,848,000.--

hence, a fractional amount, in favor
of the I.G., not covered by the
clearing, of ffcs 3,340,500.--

signed: von SCHNITZLER

Document Book V SCHNITZLER
Document SCHNITZLER No. 87
Exh. No.

I, Karl B O R N E M A N N, at present Defense Counsel with
the American Military Tribunal in Nuernberg, herewith certify that
the attached document

Minutes
of the discussion with Mr. FROSSARD
on 3 August 1942
re: increase in capital of the I.G.
by Dr. KRAMER

is a true and correct copy of the document in the I.G. - filed
in Frankfurt.

Nuernberg, 3 March 1948

signature: BORTEMANN
(BORTEMANN)

Dr. K-K.

4 August 1942

Minutes

of the discussion with Mr. FROSSARD

on 3 August 1942.

Re: Increase in the Capital of the I.G.

On the basis of the previous discussions with Mr. FROSSARD in the Frankfurt re/adjustment and increase of the I.G. capital and the questions arising there from for the Francolor, Mr. FROSSARD informed me today that Saint-Clair and Saint-Denis have already agreed to participate in the increase in capital through the Francolor interests. Also Mr. Duchemin agreed in the name of Kuhlmann. Of course, he still has to get the quorum of his society for it, but there are hardly any further difficulties to be expected in complying with this formality.

The French Government, which has been informed by the Francolor, has announced through Mr. Cathala (Finance Minister), and Mr. Bichelonne (Minister of Production) that it would be agreeable to the project.

Saint-Clair and Saint-Denis will probably remit their share for the increased capital at the beginning of September.

signed: KRAMER.

I, Dr. Walter S I E M E R S, Attorney-at-Law in Hamburg,
at present Defense Counsel with the American Military Tribunal in
Nuernberg, herewith certify that the attached document:

letter of the I.G. Farbenindustrie Aktiengesellschaft,
Finance Secretariate, Berlin NW 7,
to the Reich Ministry of Economics, Berlin W 8,
dated 7 August 1942,
subject: purchase of nominal 3, 187, 500 Reichsmarks worth of
I.G.-shares by French firms of the chemical industry
is a correct and true copy from the original files of the I.G.
Farbenindustrie Aktiengesellschaft in Frankfurt.

Nuernberg, 5 March 1948

(Dr. SIEMERS).

I.G. Farbenindustrie Akt.Ges.
"Central Finance Administration"
Berlin NW 7.

To the
Reich Ministry of Economy
B e r l i n W 8 .
Behrenstrasse 43.

Finance Secretariate-D 6
Hz-Hh 1772 7 August 1942.

Acquisition of Nominal RM 3,187,500.-- I.G. Farbenindustrie A.G. - Shares by French Firms of the Chemical Industry.

Upon our application of 26 June 1941 and your directive-V Id (D) 5-119444-41- the Foreign Exchange Office Berlin on 26 August 1941 - 3981.6492-10 Be - 31 Chr. - granted the following:

- 1.) the acquisition by the French group of
nominal frs. 400,000,000.-- "Francolor -- shares"
in exchange for
nominal RM 12,750,000.-- I.G. Farbenindustrie
A.G.-shares
i.e. by
 - a) La Compagnie Nationale de Matières Colorantes et Manufactures de Produits Chimiques du Nord réunies, Etablissements KUHLMANN, Paris,
 - b) La Société Anonyme des Matières Colorantes et Produits Chimiques de Saint-Denis, Paris,
 - c) La Compagnie Française de Produits Chimiques et Matières Colorantes de Saint-Clair-du-Rhône, Paris;
- 2.) the direct balancing of accounts with respect to the dividends accruing from the shares of the "Francolor", mentioned under 1), and from the I.G. Farbenindustrie A.G.

(page 2 of original)

Our company has adjusted its capital by 25%. Because of this capital adjustment, the French group receive, in addition to the nominal RM 12,750,000.-- I.G. Farbenindustrie A.G. shares in their possession, further shares of nominal value RM 3,187,500.--. As appears from your circular decree No. 91-41, approval of the foreign exchange office is not required for that purpose. We assume that the approval for the direct balancing of accounts with respect to the dividends accruing from the "Francolor" - shares, mentioned under 1), and from the I.G. also covers, as a matter of course, the I.G. shares which the French group receive because of our capital adjustment. The French group have undertaken not to dispose of the nominal RM 12,750,000.-- I.G. - shares, with the exception of transfers within the French group. The French group and we have agreed that this undertaking also covers as a matter of course the new shares resulting from the capital adjustment.

The stockholders' meeting of our company on 11 July 1942 decided moreover to increase the capital of our company by RM 235,000,000.--. The shares will be issued on the condition that the underwriters, in agreement with the common stockholders, offer the shares for sale at face value in the ratio 5:1 (with respect to the adjusted capital; = 4:1 with respect to the non-adjusted capital) payment to be effected by 31 December 1942 latest, inclusive 4% interest as of 1 July 1942. The new shares will begin to accrue dividends as of 1 January 1942. For various reasons, we attach great value to the French group sharing in this increase of capital stock to the amount of nominal RM 3,187,500.-- of the shares due to them. Having sold their supplies to the "Francolor", the French group have extraordinary funds available. This available cash, if participating in the increase of capital stock, would be controlled in the German interest and in the interest of the entire economy. For this reason it would be of importance that the French group undertake also, with regard to the

(page 3 of original)

shares, they have taken over in view of the increase of our capital stock, to dispose of these shares only within the French group. Besides, participation of the French group in the increase of our capital stock should serve the purpose of rendering Franco-German collaboration much closer. The French Ministry of Finance and Ministry of Production have approved of these plans.

On the other hand, the French group are very much interested in being able to settle also the dividends accruing from the I.G. shares taken over in view of the increase of our capital stock, directly against the dividends accruing from the "Francolor" shares in our possession.

We ask you to instruct the foreign exchange office Berlin 1) to permit the French group i.e.

- a) La Compagnie Nationale de Matières Colorantes et Manufactures de Produits Chimiques du Nord réunies, Établissement KUHLMANN, Paris,
- b) La Société Anonyme des Matières Colorantes et Produits Chimiques de Saint-Denis, Paris,
- c) La Compagnie Française de Produits Chimiques et Matières Colorantes de Saint-Clair-du-Rhône, Paris, to settle directly the dividends accruing from the RM 3,187,500.-- I.G.-shares, acquired as a result of the increase of capital stock of the I.G. against the dividends accruing to the I.G. from the nominal ffcs. 400,000,000.-- "Francolor"-shares.

Concerning payment for the acquisition of I.G.-shares issued on the basis of the increase in capital stock, we should like to add that foreign shareholders may exercise their right of subscription according to circular decree 105-40 and your decree of 28 July 1942 V Dev 2-239) 4-42; pursuant to which preferential blocked accounts

(page 4 of original)

and blocked trading accounts may be used for payment. The French group desire to effect payment through clearing. That should not be undesirable at the present stand of the clearing. Payment through clearing could be effected, upon approval of the French Ministry of Finance, pursuant to circular decree 95-40 I 2 h.

We, therefore, ask you to empower the foreign exchange office Berlin

2) to give permission to the French group, i.e.

- a) La Compagnie Nationale de Matières Colorantes et Manufactures de Produits Chimiques du Nord réunis, Établissements KUHLMANN, Paris,
- b) La Société Anonyme des Matières Colorantes et Produits Chimiques de Saint-Denis, Paris,
- c) La Compagnie Française de Produits Chimiques et Matières Colorantes de Saint-Clair-du-Rhône, Paris,

to acquire I.G.-shares to the nominal value of RM 3,187,500.—, to be issued on the basis of the increase of capital stock of the I.G., and that the equivalent sum of RM 3,187,500.— may be paid through the German-French clearing.

We beg to have the foreign exchange office approve the latter application in a separate letter, since we have to forward that letter to the Foreign Exchange Bank (Devisenbank) which is exercising the right of subscription on behalf of the above-mentioned firms.

Heil Hitler!

I.G. FARBENINDUSTRIE AKTIENGESELLSCHAFT

signed: per procura GIERLICHS,

signed: HENZE

(general agent).

I, Dr. Walter SIEMERS, attorney-at-law, of Hamburg, at present defense counsel before the American Military Tribunal Nuernberg, hereby certify that the attached document:

Letter of the firm of Manufacture de Produits
Chimiques du Nord, Etablisse-
ments KUHLMANN, Paris,
to the I.G. Farbenindustrie A.G. Frankfurt/Main,
dated 12 September 1942, subject: increase of
capital stock of the I.G.
Farbenindustrie

has been correctly copied from the original documents
in Frankfurt of the I.G. Farbenindustrie Aktiengesell-
schaft.

Nuernberg, 3 March 1948.

signed: Dr. SIEMERS.

Translation

Copy

MANUFACTURE DE PRODUITS CHIMIQUES DU NORD
ETABLISSEMENTS KUHLMANN

Paris, 12 September 1942

I.G. Farben-Industry A.G.
Frankfurt / Main

Increase of the Capital of the I.G. Farbenindustrie.

We acknowledge the receipt of your notification that the I.G. Farbenindustrie has increased its capital from RM 900,000,000 to RM 1,360,000,000 by means of:

- 1) issuing free shares at the nominal value of RM 225,000,000
- 2) subscriptions of cash deposits amounting to RM 235,000,000.

Our firms are entitled to the following free shares and cash deposits:

They hold at present shares at the nominal value of RM 7,778,000,-.

The free shares to which they are entitled, would amount to RM 1,944,500,-, whereas the new cash deposits (in the ratio of 1:5 with regard to capital increased on the basis of the distribution of free shares) would amount to RM 1,944,500,-.

Since the executive committee (Verwaltungsrat) of our firms has

(page 2 of original)

voted in favor of the subscription to this capital-increase during a conference on 12 September 1942, I would be very grateful to you for the allocation of the above-mentioned shares to our firms.

According to your request I am holding the coupons No. 21 and 22, detached from the securities which are in the possession of our firms, at your disposal.

We would appreciate it, if you, in accordance with your notification to the Herr chairman and director general of the Société FRANCOLOR, would inform us in due time of the exact amount concerning the subscription to be deposited with the French-German Clearing, so that we will be able to make the necessary dispositions for the payment of the basic sum of frs. 38,890,000 and the current interest as of 1 July 1942.

Gentlemen, please accept our sincere regards

MANUFACTURE DE PRODUITS CHIMIQUES
DU NORD
ETABLISSEMENTS KUHLMANN

The chairman and director general
sgd. DUCHEMIN

Document Book V SCHNITZLER
Document SCHNITZLER No. 90
Exh. No. ...

I, Dr. Walter SIEMERS, Attorney-at-Law in Hamburg, at present Defense Counsel at the American Military Tribunal Nuernberg, certify herewith, that the inclosed document:

Letter of the I.G. Farben-Industry Aktiengesellschaft Management-office Farben, Frankfurt/Main

to the Reich Ministry for Finance, Berlin, dated 19 February 1943,

Subj.: German French dye-negotiations,
Establishment of the Société Anonyme
de Matières Colorantes et Produits
Chimiques Francolor

is a verbatim copy of the original documents of the I.G. Farben-Industry, filed in Frankfurt.

Nuernberg, 5 March 1948

(Dr. SIEMERS)

To the
Reich Ministry for Finance
Attention: Herr Ministerial-Counselor
Dr. EYLERT

B e r l i n
Wilhelmsplatz

19 February 1943
Management Section Farben
Dr.v.R-Fr.

German - French Dye-Negotiations
Establishment of the Société Anonyme de Matières
Colorantes et Produits Chimiques Francolor.

With your decree of 23 July 1941, page 2259 B-4543
IIIb, you had agreed that, until further notice, tax
deductions upon returns on capital investment are
not to be made from the dividends accruing from the
French interests in our firm at the nominal value
of RM 12.750.000,-- as long as - amongst others -

- a)
- b)
- c) the I.G. Farben-industry A.G. is not
liable to taxation in France with re-
gard to its interests in the Francolor.
- d) the Francolor need not pay taxes in
France with regard to dividends which
go to the I.G. Farben-industry A.G. as
shareholders and have to be turned
over to that company.
- e)

With our letter of 13 October 1941 we informed you,
that the French Government did not want to waive
the claim for deduction of share-tax for payments of
dividends made by the Francolor for our Francolor-
shares at a nominal value of ffrs. 408.000.000.-- .
Contrary to the attitude of the French authorities
at that time, they now have, much to our surprise,
with the decree of 18 November 1942 waived all
claims for deduction of share-tax as well as taxation
of our firm on our interests in the Francolor,

(page 2 of original)

so that the provisions, stated under c) and d) of your decree are fully complied with. Since the other premisses are also given, we are able to abstain from tax deductions on returns of capital investments from the dividends which go to the French group for their interests in our firm. This interest has, in the meantime, increased through the purchase of additional shares at the nominal value of RM. 3.187.500 through our increase ⁱⁿ invested capital of last year, to the amount of nominal RM 15.937.500. As we have pointed out in our application to the Reich Ministry for Economy, dated 7 August 1942, a copy of which you will find inclosed, the share of the French group in our capital-increase was in the German interest, in order to be able to control the use of their ready cash. The office of control for foreign exchange in Berlin has for this reason, at our suggestion made in the above mentioned application, given permission for the immediate clearing of the dividends which belong to the French group for the shares gained as a result of increased capital investment, together with the dividends from our interests in the "Francolor", with the reservation, that the French group, as long as the "Francolor" exists, must not dispose of the shares gained as a result of increased capital investment, with the exception of transfers within the French group. In accordance with this reservation we intend to stipulate with the French group, that in addition the shares of our firm amounting to nominal RM 3.187.500 which the French group gained in the course of the increased capital investment, will fall under the rules of the Francolor-convention, that is to say, must not be transferred from the French group to third persons. On the other hand, the regulations of the convention will be also applied to the aforementioned shares, according to which we will use our influence that German taxation upon returns of capital investment will not be imposed on the dividends from these shares. We request therefore, that you order the application of the decree, which you mentioned at the beginning of your letter, also to the shares of our firm of the nominal value of 3.187.500 which the French group gained in the course of the increase of capital investment.

I.G.FARBEN INDUSTRY AKTIENGESELLSCHAFT
sgd. Dr. KUEPPER, reviewed Dr. von ROSPATT

Document Book V SCHNITZLER
Document SCHNITZLER No.91
Exh. No. ...

I, Dr. Walter SIEMERS, Attorney-at-Law in Hamburg, at present Defense Counsel before the American Military Tribunal in Nuernberg, certify that the inclosed

Document No. NI - 1048

is a verbatim copy of a copy which was placed at my disposal by the Prosecution.

Nuernberg, 27 February 1948

(Dr. SIEMERS)

Document Book V SCHNITZLER
Document SCHNITZLER No. 91
Exh. No.
(Document No. NI-1048)

Confidential - Urgent

SOPI

Dr. K/K

Société pour l'Importation de Matières Colorantes et de Produits
Chimiques - Paris

30 June 1942

Memorandum

Stamp: 6 July 1942

Illegible initials

Subject: Francolor

Labor Allocation for Germany

Messrs. Josef and Louis FROSSARD informed me of the discussion with the presidents of the most important chemical enterprises of France which took place in the Chemical Department of the Ministry of Production last Saturday, the object of which was to make arrangements for the release for work in Germany of a total of 150 000 workers by 4 July, in accordance with the statements made by Minister President LAVAL. The chemical industry will also have to make a certain contribution to this effort, and Francolor will have to provide a total of approximately 100 workers. Among this number there are to be some foremen and one or two chemists or engineers.

Mr. ROUGIER, the Director of the Chemical Department of the Ministry of Production is said to have

Document Book V SCHNITZLER
Document SCHNITZLER No. 91
Exh. No.
(Document No. NI-1048)

(page 2 of original)

pointed out, that the names of the workers made available by the individual plants should be given at the earliest possible date and that it would be expedient to assign the workers of each individual enterprise, as a group, to a kindred enterprise in Germany.

Herr FROSSARD, who today discussed this point with the plant managers, will let me know in a few days how many workers from the factories of Saint-Denis, Villers -St- Paul and Oisssel will volunteer for this project. Apart from chemical experts, mechanics, welders and fitters are to be included.

Herr FROSSARD suggests that, if possible, the groups of Francolor workers should be allocated as such to Ludwigshafen, and I ask you to inform me, if possible by return, whether you agree to this plan, so that appropriate preparations may also be made by the local recruitment offices.

Furthermore I should like to ask you to inform me immediately by telephone whether you would like me to attempt to obtain the assignment to I.G. Works, to be named by you, of workers from:

Ugine
Rhône - Poulenc
Saint - Gobin
Kuhlmann
Air Liquide

Document Book V SCHNITZLER
Document SCHNITZLER No. 91
Exh. No.
(Document No. NI-1048)

(page 3 of original)

which are also to supply a certain quota.

Stamp: Dr. KRAMER

Director Dr. ter MEER

Copies to: Director Dr. AMBROS

Department of the Directorate for Dyestuffs.

Etablissements KUELMANN

Paris

11, Rue de la Baume-VIII^o

The President

23 September 1942.

My dear Doctor,

I was very sorry not to have found you in when I called at your office yesterday, since I would have liked to thank you for the trouble you so kindly took in the case of our technical advisor, Herrn Dr.R.BERR.

We know that you intervened on his behalf to effect his release and I would like to take this opportunity to express on this occasion my gratitude and that of our firm.

Would you please convey these our sentiments to the gentlemen of the I.G.Farbenindustrie. Please accept at the same time my sincerest regards.

The President-Director General

signed: R.P.DUCHEMIN

Herrn Dr.KRAMER
32-34 Rue Galilée
PARIS 16.

This is to certify that the above photostat is a true copy of the original document submitted to me.

Frankfurt a/M., 23 February 1948

signed: Ferdinand de la FONTAINE
Notary

Stamp:
Ferdinand de la FONTAINE
Notary in Frankfurt a/M.

Costs:
Value: RM 200.-
Fee per Art. 144,49, 262.-
3 % turn over tax0.06
2.06 RM

Notary: signed, de la FONTAINE.

Translation

Etablissements KUHLMANN

Paris

11, Rue de la Baume - VIII^o.

The President

23 September 1942

My dear Doctor,

I was very sorry not to have found you in when I called at your office yesterday, since I would have liked to thank you for the trouble you so kindly took in the case of our technical advisor, Herr Dr.R.BERR.

We know that you intervened on his behalf to effect his release and I would like to take this opportunity to express on this occasion my gratitude and that of our firm.

Would you please convey these our sentiments to the gentlemen of the I.G.Farbenindustrie. Please accept at the same time my sincerest regards.

The President-Director General

signed: R.P.DUCHEMIN

Herrn Dr.KRAMER
32-34 Rue Galilée
PARIS 16.

Document Book V SCHNITZLER
Document SCHNITZLER No.93
Exh.No.

I, Dr. Walter SIEMERS, Attorney-at-Law at Hamburg,
at present Counsel for the Defense at the American Military
Tribunal, Muerenberg, certify hereby that the inclosed Document:

"Diplomatic Corps in Vichy and Consulates"

has been copied verbatim. The Document was submitted to the
Military Tribunal by the Defense in Case V (FLICK-trial)
as BURKART Document No.866, and was accepted by the Military
Tribunal as Exhibit No.210.

Muerenberg, 3 March 1948

(Dr. SIEMERS)

Diplomatic Corps at Vichy and Consulates

(Excerpt from "Gothaisches Jahrbuch fuer Diplomatie, Verwaltung und Wirtschaft" (Gotha Almanac for Diplomacy, Administration and Economy), Year 1942, Pages 285-289)

Egypt: The diplomatic relations have been severed since 6 January 1942.

Afghanistan: Minister Extraordinary. Prince Shah Wali Chan, Marshal,

3. July 1931; Councillor: Islam-bek Khoudoiar Chan; first secretary:

Kadef
Abdul/Chan; secretaries: Gholan Ali Chan, Moh. Ali Chan.

Argentina: Ambassador: Dr. Miguel Angel Carcano, 22. October 1938; council

lor: E. P. Loncan; first secretary: J. Lariviere; second secretary:

J. M. Rhode; secretary and attaché: M. J. de Anchorena; attachés: A.

Ferandez Gorgolas (absent), Dr. R. Alcorra; milit. att.: Colonel E.

Larrondo; air att.: A. R. Masclan (absent); agricult. att.: L. M. del Carrils. -

x * R. L. Olivera Cesar, Consul General, 19, * A. Martinez de Hoz, Consul

..... * J. de Vedia, Consul....., * D. Sotomajor, Consul..... * M. Esclada,

Consul, 38; Consul at Beyonne (* H. Kenny, 28), Biarritz (* F. Ortiz Echague,

38) Bordeaux (* A. del Carrill, 32), Boulogne-s. M. (* V. Almandos Almonaci 35)

Cannes, Cherbourg (* E. A. Artayeta, 31), Chermont-Ferrand (* J. Cordora

Pizarro, 37) Dunkerque (* L. Frischachi Puccio, 22) Le Havre (* M. A. Eche-

rrery, 31), Lyon (* E. M. Lezica, 33) Marseille (* A. Leni, 37) Nantes

(* A. Looni, 36), Nice (* O. de Olazabal, 31) Orleans (* Lopez Rivarola...)

Pau (* E. Schiafrino), Rouen, Villefranche;

15 vice consuls.

Belgium.....

BOLIVIA: Minister Extraordinary: Simon I. Patino,
21 February 27; councillors: R. Martinez Vargas, J. Ortiz Linares;
First secr.: J.M. Calvo-Linares; mil. att.: A. Sanchez, Lt. Colonel;
air att.: A. Rodriguez, General, - * J.M. Calvo-Linares, Consul Gen., 35;
Consuls at Bordeaux, La Rochelle, Le Havre, Lyon, ^Marseille; 3 vice
consuls.

BRAZIL: Ambassador Extraordinary: L.M. de Souza Dantas, 29 December 22;
first secr.: A. de Segadas Guimaraes; second secr.: A. de Mello Franco;
councillor for commercial affairs: J. Pinto da Silva; councillors for
special affairs: L. de Paula Machado, E.F. do Montarroyos; special att.:
J.F. de Oliveira, M. Sciolette; att.: Fr. Guimaraes, A. Rangel, Señora
H. C. de Azevedo Rocha, A. Shaw, son-crite W.V. Rodrigues; secretary of the
archives: L. Levy, - * M. de Saint - Brisson Marques, Consul Gen., 36;
* O. Feres do Rio, ^Assistant Consul, 39; consuls at Biarritz, Bordeaux
(* M. de Lima Barbosa, 38, * A. de Mesquita, ^Vice Consul, 34, Boulogne
s.-M. (* Mendes de Almeida, 38) Cherbourg (* R. ^Conrado 35), Dunkerque
(* E. de Clebsattel, Vice Consul, 34), Le Havre (* O. Dutra 38,
* A. Machado Pavao, Vice Consul, 38) Marseille (* P. Vidal, 35); 11 vice
consuls.

BRITISH EMPIRE: The diplomatic relations have been

severed since 4 July 1940.

COMMONWEALTH OF AUSTRALIA.....

CANADA.....

UNION OF SOUTH AFRICA.....

BULGARIA: Minister Extraordinary: Nicolas Balabanoff... 39;
first secr.: A. Redoff, Permanent Charge d'affaires; second secr.:
A. Dantschoff; third secr.: B. Athanasoff; mil. and air att.: I. Marinoff,

Lt. Colonel of the Gen. Staff; press att.: Vl. Cuticoff, L. Lamoucho,

Consul Gen. 20; consul in Lyon.

CHILE: Minister Extraordinary: Gabriel Gonzalez Videla; 29 November 39;
councillors: de la Huerta, V. Vargas, S. del Campo; First secr.: J.
Barros; second secr.: P. Eyzaguirre; att.: R. Donoso Reyes; mil. att.:
S. Robles, Major; naval att.: D. del Campo, Captain, air att.: A. E.
Nunez-Morgado, Major; commercial councillor: A. Bertrand; commercial
att.: J. Delano. - * A. Marin, Consul Gen., 39; consuls at Bayonne, Bordeaux,
Cannes, Cherbourg, Dunkerque, La Rochelle, Le Havre, Lyon, Marseille,
(* C. Bazan-Pinochet, Consul Gen. 35) Nice, Toulouse.

CHINA: Ambassador Extraordinary:.....; first secretary of embassy:
Kuo Tso Fan; councillors of embassy: Sze Chao-Kuei; Dr. Scio Ton-Fa;
second secr.: Fu Kuan Hsiung, Dr. R. H. Waug; embassy att.: Wan Wei-
Nan; mil, naval and air att.: Tang-Cho, General of Division. - *
Huang Cheng, Consul General, 37.

COLOMBIA: Minister Extraordinary: Gregorio Obregon, 3 December 38;
councillor: L. Latuf; secr.: J. J. Turbay; comm. att.: R. Pinto Valderana;
att.: E. Hurtado Salazar; mil. att.: J. Londono, Lt. Colonel. - * B. H.
Bustos, Consul General, 38 - consul at Bastia, Bayonne, Bordeaux (*
J. Padilla, Consul General, 38), Boulogne -s.M.) * T. Jaramillo, 38),
Charleville, Cherbourg, Dieppe, Dijon, Dunkerque, Grenoble, Le Havre)
(* G. Saravia Vasquez, Consul General 38), Lille, Lyon, Marseille
(* J. C. Castillo, 37), Nantes, St. Nazaire; 1 vico consul.

COSTA RICA: Minister Extraordinary: councillor and consul
general: Luis Dobles Sogreda; comm. Councillor: A. Esquivel Carazo.-
consuls at Bordeaux, Boulogne - sur-Morano, Cherbourg, (J. Defcy,
Consul Gen., 37), Le Havre, Lyon, Marseille, Nantes, Nice, St. Nazaire,
Toulouse.

CUBA: - Minister Extraordinary: Santiago Verdeja y Sardina, 1. June 39;
charge d' affaires: R. de la Torre, Councillor of Legation; first
secr.: Señ. orita Fl. Diaz Parrado; second secr.: Agones; third secr.:
R. Villaverde; att.: O.G. Angarica, G. de Mola, L. Estevez y Lasa; mil.
and air att.: Fr. Terry, Captain; comm. att.: E. J. Connill. * L. F. Vallin
y Aiso, Consul General, 34; consuls at Bordeaux (* M. Estrada, 38),
(L. de Leon y Lasa 35) Lyon (* I. A. Losa, 38) Marseille,
St. Nazaire (* J. Carballal y Gonzalez, 35); 1 agent.

DENMARK and ICELAND: - Minister Extraordinary: A. H. Bernhoff, 7. October
39; Councillor of Legation: H. Seedorf; secr. of leg.: J. Knox; press
att. and councillor for special affairs: H. Wamberg, - G. Winthor, Consul
General, 33 * R. H. P. R. Kier, Consul, 41; consuls at Lyon, Marseille
(W. A. Carr, Consul General, 23); 5 vice consuls.

GERMANY: The diplomatic relations have been severed since 3 September
1939.

DOMINICA: Minister Extraordinary: Garcia Molla, 40;
first secr.: S. E. Paradas; Ajaccio, Bastia, Bayonne, Bergerac, Bordeaux,
* R. Vasquez Rivera, 35, * N. W. Mojia, Vice Consul, 31) Caen, Le Havre
(* J. B. Paynado, Consul General, 36), Lille, Marseille, Montpellier,
Nice, Rouen, Sete: 6 vice consuls.

ECUADOR: - Minister Extraordinary: Manuel Sotomayer Luna, 10. December 39,
second secr.: L. Guarderas, C. B. de Sucre; third secr.: E. Aguirre;
commercial and propaganda att.: C. de Acevo, - A. Borrero Bustamante,
Consul General, 37 * C. B. Sucre, Vice Consul, consuls at Bayonne,
Bordeaux, Brest, Cherbourg, Le Havre, Marseille, Nantes, Nice, St.
Nazaire, 4 vice consuls.

FINLAND: Minister Extraordinary; Dr. Harri Hann, 5 December 27;
att.: T. Tikanvaara; mil. att.: E. Hissi, Lt. Colonel - Consul; consuls
at Bordeaux, Le Havre, Lyon, Marseille, Nantes, Nice, Rouen, 5 vice
consuls.

GREECE:

GUATEMALA: Minister Extraordinary: Jose Gregoria Diaz, 27 May 38;
secr.: J. Gonzalez Arovalo; att.: Dr. F. Murga, - * A. M. Rios, Consul
General,; consuls at Agen, Bordeaux, Cherbourg, Dieppe, Le Havre,
Lyon, Marseille, Mentone, Nice, Rhins, St. Etienne, St. Nazaire.

HAITI: Minister Extraordinary: Abel Nicolas Leger, ... 38; secr.: F.
Courtois; att.: A. Jean-Joseph, R. Armand, C. Roussan; special att.:
B. Godofroy; commercial councillor: L. R. Thobaut, Plenipot. Minister.-
* A. Eheard, Consul General, 39; consuls at Ajaccio, Anjous, Bastia (* M. A.
Francois, Consul General, 38), ^B Bordeaux, Boulogne -s.M.,
Calais, Cannes, Cherbourg, Le Havre, (* L. Durant, Consul General, 37)
Lille, Lyon (* L. Pougot, Consul General 37), Marseille (*....., Consul
General) Nantes, Nice, Nîmes, Orleans (* L. Miremont, Consul General,
38), Rhins, Rouen, St. Etienne, St. Nazaire; 3 vice consuls.

THE HOLY SEE: Apost. ^Nuntius: Mgr. Valerio Valeri, Titular Archbishop
of Ephesus, 25 July 36; secr.: Mgr. C. Rocco; Auditor (Paris) Mgr.
F. Bertoli; secr.: J. Paupini.

HONDURAS: Permanent Chargé d' Affaires and Consul General Rosal,;
commercial att.: J. Lopez. * E. V. Soto, Vice Consul ...; consuls at Agen,
Bordeaux, (J. Gounord, Consul General,) La Pallice, Le Havre, Lyon,
(H. Merini, Consul General ...) Marseille (J. Guez, Consul General,)
St. Nazaire, Toulouse; 1 vice consul.

IRAQ: The diplomatic relations have been severed since 18 November
1941.

IRAN: Diplomatic Relations severed since 18 November 1941. -

IRELAND: Minister Extraordinary: Sean Murphy, 38; first secretary
C.C. Cronan; Special Councillor: G. Count O'Kelly of Gallagher and
Tycoly.

ITALY: Diplomatic relations broken off since 10 June 1940

JAPAN: Ambassador Extraordinary: Sotomatsu Kato, 41; Councillor of
Embassy: H. Harada; Secretary: M. Aoki, A. Matsui, T. Takashina; Attaché:
Abo T. Mitsuda; Military Attaché: Y. Tsuchihashi, Gen.; Naval Attaché:
M. Sumikawa, Captain - Consuls in Le Havre, Lyon, Marseille (* H. Takawa,
387.)

LIBERIA: Minister Extraordinary: Otto Baron Van Den Bogaerde Van
Terbrugge, 16 October 1931; Attaché: F. Moran, - Consuls in Bordeaux,
Le Havre, Lyon, Marseille, Nice.

MEXICO: Minister Extraordinary: Liz. Louis J. Rodriguez, 20 April 1910,
Chargé d' Affaires and 1st Secretary: R. Boyes; 2nd Secretary:
G. Lucio; 3rd Secretary: Liz. E.A. Siqueiros; Special Councillor R.
Norvo; Legal Adviser Liz. E. Romero Courtado; Military Attaché: L.A.
Flores, Lt. Col. - * G. Bosques, Consul General 38, F. Alatorre, Consul 38,
* E. Baigts, Consul, 38, * J.L. Mermosillo, Senior Councillor of Legation,
37; Consuls in Argel, Bayonne, Bordeaux (* F. Torres Vivanco, 38)
Boulogne, s.M. Cannes, Cherbourg, Le Havre (* E. Prado, 37), Lyon, Mar-
seille, Nice, St. Nazaire, Sète, Toulouse (* T. Morales, 38).

MOROCCO: Minister Extraordinary: H. Comte de Matovillo, 2 June 1927;
Councillor: Ch. Bolland de Castro; Secretary: L. Milhae, Consul in
Bastia,

Bordeaux, (Jeaneau, Consul General....) Dunkirk, Grenoble, Le Havre,
Lille, Lyon, Marseille (P.F. Guydan, Consul General, 05), Nice, Rouen,
Sète, Toulon, Toulouse, Tours.

NICARAGUA: Minister Extraordinary: Constantino Herdocia y Teran, 7 December 1934, Councillor: L. Baum; Secretary: O. Lam, - Consul General, Consuls in Bordeaux, Le Havre, St. Nazaire: 1 Vice Consul.

NETHERLANDS

NORWAY

PANAMA: Minister Extraordinary: Arnulfo Arias, 30 June 1937; 1st Secretary: J.E. Ehrmann Lefevre. - .. Consul General; Consuls in Besancon, Bordeaux, Boulogne - s.M., Cannes, Cherbourg, Dijon, Dunkirk, Jarnac, Le Havre, (* A.de Alba, Consul General....), Lille, Lyon, Marseille, Nice, St. Nazaire, (* E.Hazera, 38), Toulon, Tours; 6 Vice Consuls.

PARAGUAY: Minister Extraordinary - - -; Councillor: Dr. E.Lyba. - * Ph. de Ronde, Consul General 39; Consul in Arions, Avignon, Bastia, Biarritz, Bordeaux, Carcassone, Cherbourg, Grasse, Le Havre, Lyon, Marseille, Nice, Sète, Toulon, Toulouse; 4 Vice Consuls.

PERU: Minister Extraordinary: Francisco Garcia Calderon,40; Councillor of Legation: E.de La Fuente; 1st Secretary: Mould; 3rd secretary: O.Serckmoyer; Attaché E.D. Barreda; F. Gonzalos de Candamo; Military Attaché: Martinez, Colonel; Special Councillor: F. Pardo; Commercial Attaché: E. Tola. - * O. Cabero, Consul General 39; Consuls in Arions, Bayonne, Biarritz, Bordeaux, Cherbourg, Dunkirk, Hendaye, La Rochelle, Fallico, Le Havre (A.Managno, Consul General) Lille, Lorient, Lyon, Marseille, (* L. Altieri, 37), Nantes, St. Nazaire, Nice, Orléans, Pau, Toulouse, 4 Vice Consuls.

PORTUGAL: Minister Extraordinary: Armando Humberto da Gama Ochoa, 18 October 1920, 1st Secretary: Mado Antas d' Oliveira; 2nd Secretary: M. Nunes da Silva; 3rd Secretary: P. de Souza Comas; Commercial Councillor: P. Cid; Commercial Attaché: J. P. Tomvoira dos Santos; Special Attaché: J. Bensaude; Press Attaché: P. Mendes Osorio -, Consul General; Consuls in Arras, Bayonne (*..), Bordeaux, Le Havre, (* A. Figueiredo e Campos, 38), Marseille (- J. A. de Magalhaes, 33) Rouen, 22 Vice Consuls.

ROMANIA: Minister Extraordinary: Dino Hiott, - - 40; 2nd Secretary of Legation: G. Anastassiou; 3rd Secretary of Legation: D. Motta; Military Attaché: Tomoroveanu, Lt. Col.; Plenipotentiary of the Economic Agency: E. Plossia; Press Councillor 1st Class: J. Dragu; Councillor for Cultural Matters: E. Cioran.

SALVADOR: Minister Extraordinary and Consul General: Raul Contreras, 14 September 1939; 2nd Secretary: B. Solmilol; Attaché: Q. de Sola, - Consuls in Bordeaux (- H. Morel, 35), Le Havre, Lyon, Marseille, Nice, St. Nazaire, Vichy; 2 Vice Consuls.

SAN MARINO: Minister Extraordinary: Enrico Garda, Major, 14 August 1936, - R. Facchin, Consul General, 38, Consuls in Bordeaux, Lyon, Marseille, Modane, Nice, Roins, Rouen.

SAUDI-ARABIA: Minister Extraordinary: Fuad boy Hanaya, 4 November 1939.

SWEDEN: Minister Extraordinary: Einar Hennings, 14 September 1934; Councillor: H. Hodengren; Attaché: R. P. O. Routerswaerd; Military Attaché: E. C. Du Rietz, Lt. Col.; Councillor for Social Matters: G. Loewogren; Press Attaché: K. Stroomborg; Chancellor and * Vice Consul N. G. W. Conradi - R. N. A. Nordling Consul General (ad pers.), 26; Consuls in Bordeaux, Le Havre, Lille, Lyon, Marseille

Nantes, Rouen; 25 Vice Consuls

SWITZERLAND: Minister Extraordinary: Dr. Walter Stucki, 17 March 1938;
1st Secretary of Legation: J. Decroux; Military Attaché: de Blonay,
Lt. Col. - Consuls in Besancon, (* E. Perrulet, gor, 41) * H. Zoller,
Vice Consul,) Dijon, Lyon, Marseille, Nancy, Nice, Toulouse
(* W. E. Weingaertner, 40) 2 agents.

USSR. Diplomatic Relations severed since 30 June 1941.

SPAIN: Ambassador Extraordinary: José Félix Loguorica y Erquiza, 8
April 1939; Councillor: Cristobal del Castillo y Campos, Minister with
full powers; 1st Secretary: E. Propper de Callejon; Military Attaché:
A. Barroso, Colonel; Air force Attaché: J. A. Ansaldo, Lt. Col.;
Naval Attaché Commercial Attaché: X Meruendani. - * Con-
sul General; Consuls in Bayonne, (* de Bernajo, 39) Bordeaux (* B.
Rollan, 39) Hendaye, Le Havre, Lyon, Marseille, (* E. Becerra de Kobbe,
39), Nice, Pau, Perpignan, Port-Vendres, Sète, Tarbes, Toulouse;
75 Vice Consuls, 2 agents.

THAILAND: Minister Extraordinary: Phra Bahiddha Nukara, 16 September
1937 (Lisbon) ^{au} Permanent Chargé d' Affaires Luang Bhadravadi; 2nd
Secretary: Luang Prasert Maitri; 3rd Secretary: Luang Jitawi.
Consul General; Consul in Marseille.

TURKEY: Ambassador Extraordinary: (Illogible) ... Ekin, 30 August
1939; Councillor of Embassy: C. H. Arar, Minister with full Powers;
1st Secretary: S. Halulu; 2nd Secretary: R. Zorly (?), S. Uckun; 3rd
Secretary: S. Uckun; Military, Naval, and Airforce Attaché:
Enver Aka, Major; Commercial Councillor: M. Alking, Press Attaché
I. Mandi. - C. Dulger, Consul General, 39; Consuls in Bordeaux, Cher-
bourg, Le Havre, Lyon, Marseille, (B. Danismend, Consul General, 37)

HUNGARY: Minister Extraordinary: Baron Bakach-Bossonyey,.....41;
Councillor of Legation: A. de Hortelendy; Secretary of Legation: G. de
Madayss; Military Attaché ; L. de Karatny, Major; Press Attaché : J.
Goszosi, - * C. Binder-Kotrba, Consul General, 30; Consuls in Le Havre,
Lyon, Marseille (....consul General).

URUGUAY: Minister Extraordinary: César Gutierrez, 27 July 1939;
Councillors: E. Garzon, Dr. A. Saenz; 1st Secretary: A. Sionra; 2nd Secre-
tary: J. R. Gomez, Attaché: P. Nadal, Rodriguez-Ramos, E. Palacios, G. Vaz-
ques Barriero; Military Attaché: C. de Anda, Major; Airforce Attaché:
F. Gutierrez, Major. - * P. Ferrando,.... - Consuls in Bayonne, Biarritz,
(* M. Garcia Campos, 29), Bordeaux (* C. Calarot, Consul General, 25)
..Dunkirk, La Rochelle, (*G. So?) Le Havre (*A.
de Basco),
Cherbourg (* Sd. Abella, 34)/Lyon, (* S. Ibargoyen, 34), Marseille (* H.
Estrada, 26), Nantes (* V. Ferrari ...) Nico, Oloron- Sainte-Marie,
Pau, Sète; 5 Vice Consuls.

UNITED STATES OF AMERICA: Ambassador Extraordinary:....; Chargé d'
Affaires: M. B. Barnes, Secretary of Legation; Councillor of Embassy:
R. D. Murphy 1st Secretary: H. M. Cochran, H. S. Fullerton; 2nd Secre-
tary: F. Matthews, B. M. Hulloy, L. Higgins; 3rd Secretary: E. de W. Mayor,
D. Mac Arthur, C. Office, Military and Airforce Attaché: H. H. Fuller,
Lt. Col., Naval and Airforce Attaché: Stone, Captain of the Navy; Com-
mercial Attaché : (special Attaché: D. Reagan; Financial Attaché: B. Wait,
Agricultural Attaché: L. Mallory. - * R. D. Murphy, 30 * H. S. Fullor -
ton, Consul, 34; * H. F. Matthews, Consul 37; * B. M. Hulloy, Consul 37,
* L. Higgins Consul, 37; * E. de W. Mayor, Vice Consul 35, * T. W. Cannott,
Vice Consul 35, * S. Snythe, Vice Consul 39, Consul in Bordeaux (*
W. D. George, 36, * F. Cussans, Vice Consul 36, * D. Moreland jr., Vice
Consul, 36), ..Calais, (J. G. Garter, 27); Cherbourg (* A. Ostertag, Vice Con. 36)
Lo Havre (* S. H. Willoy * H. M. Donaldson, Vice Consul, 36,
* Strottau Anderson, jr., Vice Consul ,37) Lille (* L. G. Dawson, 35,
* F. Hawley, Vice Consul; 37, Lyon (* J. J. Johnson, 37, * S. Allen, 38),
Marseille (* J. P. Hurloy),

Consul General, 35, * G.M. Abbott, 38, * H. Bingham, jr., Vice Consul, 36,
* M. Standish, Vice Consul, 37, * E.A. Guillion, Vice Consul 37),
Nantes, Nico, (* P.C. Squire, 36).

VENEZUELA: Minister Extraordinary: Carlos Aristizábal-Coll, 21 October
1936; Councillor: J.K. Picon-Fobres; Secretary: A. Arreaza; Civil At-
tached: Dr. F. Contreras-Unda; E. Marturet; Military Attached: M.H. Lopez-
Mendez, Colonel; Commercial Agent: L.E. Monsanto. - Consuls in Bastia,
Bordeaux, (* Dr. J. Gabaldon-Marquez, Consul General, 36), Boulogne -
s.-M. (* E. Rohl, 37), Châthol-Guyon, Cherbourg, Le Havre, (* M. Herman
Marquez, 37), Lyon, Marseille, (* H. Pietri, 39), Nico, St. Nazaire (
* F. Nadarrote, 39) Tours, Vichy.

Notes

The abbreviations stand for :

AEs. - Ambassador Extraordinary
AEbtsch - Minister Extraordinary
Abw. - absent
a.i. - ad interim
betr. - commissioned
GK - Consul General
G.Tr. - Charge d'Affaires
* - Career Consul
K - Consul
VK - Vice Consul
Ag. - Consular Agent

The numbers after the names indicate the date of accrediting, that
is - the date when the exequatur was bestowed, - the latter applies
to Consuls. -

I, Dr. Walter S I E M E R S, Attorney-at-Law in Hamburg, at present Defense Counsel with the American Military Tribunal in Nuernberg, herewith certify that the attached document

Interrogation of Witness RUDOLF SCHLEIER by Dr. KRANZBUEHLER is a literal and true copy from the transcript of the session of Military Tribunal No. IV, case V (Trial against Flick et al.)^Nuernberg, Germany, of 20 August 1947, 09:30 - 13:30 hours, pp. 5703-5710 German, p. 5841-5450 English.

Nuernberg, 17 February 1948

(Dr. SIEMERS)

Excerpt from:

Transcript of the session of American
Military Tribunal No. IV, Case V
(trial against FLICK et al)
in Nuernberg, Germany, on 20 August 1947
9:30 to 12:30 hours
pages 5703-5710 German, pages 5841-5850
English.

Examination of witness Rudolph SCHLEIER

by Dr. KRANZBUEHLER.

- Q: Herr SCHLEIER, will you please state to the Tribunal your name?
- A: My name is Rudolf SCHLEIER.
- Q: When and where were you born?
- A: I was born on the 31st of August, 1899, at Hamburg.
- Q: During this last war what position did you hold, Herr SCHLEIER?
- A: On the 14th of June, 1940 I was drafted into the Foreign Office, and then I went as representative of the then Ambassador, ABETZ, who had the office of the Foreign Office with the Military Commander in France, and I went to Paris with the official title of Consul-General. When this office was made an Embassy in November 1940 I was taken over into the Foreign Office as first Counsel of the Embassy, with the rank of an Ambassador. And in April, 1943, I was appointed Ambassador First Class.
- Q: Herr SCHLEIER, you said that you were taken over into the service of the Foreign Office. Therefore you were before not in the service of the Foreign Office?
- A: I was in the service of the Foreign Office before, but I had a contract as an auxiliary scientific

(page 2 of original)

workers. I was only taken over as an official when the agency was made an Embassy and then I was appointed Ambassador.

Q: Did you have special relations with France already before that or how did you happen to come there?

A: I am a businessman by profession (Slight difficulty or misunderstanding).

BY THE PRESIDENT:

Q: You may proceed, Do you hear?

THE INTERPRETER: Your Honor, I can hear.

A: Since 1924 I constantly made business trips to France. Every year I went to France several times and until the end of the war I spent 80 to 100 days every year on trips in France.

Q: Were you a member of the Nazi Party?

A: Yes, I was a member of the Nazi Party.

Q: Since when?

A: Since 1931. For about twenty years I was an adherent, and I may say a man who advocated understanding between the German and French nations, and from the moment onwards when the German-French Society was founded in Berlin in 1935 I was a member of that society and from the beginning of 1936 I was a member of the Vorstand of that society. In 1938 I was appointed vice-president of the German-French Society after having as early as 1936 at Hamburg founded the German-French Society for the Hanse towns, of which I was the first president.

Q: By that you mean to say, Herr SCHLEIER, that the German-French understanding was one of the strong points of your political beliefs?

A: For more than twenty years I was an enthusiastic

(page 3 of original)

concurrent and advocator of an understanding between France and Germany, an understanding which I always considered one of the most important bases for a possible peaceful development in Europe.

Q: Herr SCHLEIER, will you now please describe the political situation which you found in France when you were called there to the service of the Foreign Office, toward you, who represented France at that time?

A: There was a French Government and the Prime Minister was Marshal PETAIN.

Q: When was that?

A: Marshal PETAIN had been charged by the last president of the French Republic, Monsieur LERUN, with forming a government on the 17th of June. That is at the moment when France had not yet taken up negotiations for the Armistice. The appointment of Marshal PETAIN was made in line with the procedure of French Parliament, and on the strength of the constitution of 1875. Marshal PETAIN already earlier than that had been Deputy Prime Minister in the preceding Cabinet of Prime Minister RENAUD. The Petain Government then took up the negotiations for the Armistice with Germany and they concluded the Armistice of 22 June 1940. And in this treaty of Armistice the French Government had received the privilege of choosing its residence --- capital --- either in the occupied or unoccupied zone of France. The French Government made it a point in order to stress its independence, not to make use of the possibility of going to Paris, and, therefore, they chose their seat in the unoccupied part of France, namely, at Vichy.

(page 4 of original)

In the beginning of July, 1940, the National Assembly held its meeting in the unoccupied part of France and this National Assembly was constituted according to the Constitution of 1875 by the Chamber of Deputies and the Senate. And they with the constitutional majority, decided to entrust Marshal PETAIN with the conduct of the French State, in a personal union with the office of the Prime Minister.

Q: Herr SCHLEIER, you speak of a constitutional majority. Were all Deputies and Senators present?

A: There was a constitutional majority of Deputies and Senators present, as far as I remember these things. Therefore the French Government was created quite legally in accordance with the French laws and always rejected subsequent offers to come to Paris. The reason they gave was that they wanted to have their seat in the unoccupied part of France in order to emphasize their own independence.

Q: Now, that is the history of the origin of this Government, How was this Government considered by the other countries?

A: Marshal PETAIN's Government was recognized as far as one can consider the outer circumstances, was recognized always as the legal French Government because the diplomatic corps which in June 1940, went with the French Government from Paris via Tours to Bordeaux followed the French Government also to Vichy. In Vichy all states with which France had normal diplomatic relations were represented with the individual Foreign

(page 5 of original)

Government by the French diplomatic representatives. For instance, the PETAIN Government had their ambassadors with all neutral governments, and even dispatched new ambassadors to foreign Chiefs of State, for instance, the Ambassador GASTON BERGERY to Moscow, and later, when relations were broken off, between France and Russia he was appointed Ambassador at Ankara. For instance, they appointed Admiral BARRE at Bern. And the Senator and Mayor of Versailles, HENRIET, was appointed Ambassador to the White House. And on the other hand, the foreign governments, for instance, the Government of the United States of America dispatched ambassadors to Marshal PETAIN. At the outbreak of the war Mr. BULLITT was American Ambassador and he had returned to America in June 1940. And President ROOSEVELT dispatched as a new Ambassador, Admiral LEAHY to Marshal PETAIN and he arrived at the end of 1940 or the beginning of 1941, while in the meantime the offices of the American Embassy were administered by the then acting American Ambassador, MURPHY.

BY THE PRESIDENT:

Q: What was the position of Monsieur BRINON?

A: Well, in December, 1940, Monsieur de BRINON was appointed delegate-general of the French Government for the occupied part of France.

(Examination of witness SCHLEIER
continued)

BY THE PRESIDENT:

Q: He was not an Ambassador?

WITNESS: He held the rank of an Ambassador, your Honor, the personal rank of an Ambassador.

BY DR. KRANZBUEHLER:

Q: Was he a kind of representative of the Vichy Government with the German Military Commander?

(page 6 of original)

A: He was the spokesman of the French Government with regard to the Military Commander and the French Government wanted to have an accredited representative of the French Government present in Paris at all times.

BY THE PRESIDENT:

Q: They never had an Ambassador or Minister to Germany?

A: The French Government had for the questions of prisoners of war and also for questions connected with French labor, had as from October or November 1940, the French Ambassador, George Scapini, and he was sent to Berlin and he had his offices there constantly.

Q: He was not a general Ambassador?

A: No, he was not a general Ambassador.

Q: There was no general Ambassador?

A: No, there was no general Ambassador. Apart from that, the French Government, as from about 1942, had a direct representative who was to settle and discuss all questions connected with French labor in Germany, and settle it by direct negotiations with the German agencies.

BY DR. KRANZBUEHLER:

Q: We will turn to that right now, in a while, but now I want to put something to you. You know that the Vichy Government is doubtful as far as their legality was concerned. Their legality is contested and especially it is said that during the war, another French Government existed, namely those of General de GAULLE or General GIRAND, or even another Government. What do you know about French Governments apart from the Vichy Government during the war?

(page 7 of original)

- A: After France collapsed, General de GAULLE had gone to London and there he formed the French Committee of Liberty. General de GAULLE's committee, however, as far as I remember, was never recognized as a Government and never considered as such. When in November, 1942, North Africa was occupied General de GAULLE together with General GIRAUD formed the "Committee of National Liberation", and if I remember well, General de GAULLE was its chairman.
- Q: Herr SCHLEIER, just at that period of time, in July 1942, Admiral DARLAN had also gone to North Africa, hadn't he?
- A: Admiral DARLAN had been in North Africa already a few days before the Allies landed, and he had been called to Algiers where his son was very sick. He had infantile paralysis and had been in the hospital for months and the hospital had informed him that the condition of his son had deteriorated and that there was danger of his son's life. For that reason he, during the first days of November, went for a personal visit to Algiers.
- Q: Do you know whether Admiral DARLAN also was considered in some manner as a possible chief of a French Government? That, by the Allies, I mean.
- A: I don't know that. Admiral DARLAN according to the new French constitutional laws had been provided as successor for Marshal PETAIN in the case when Marshal PETAIN was in no position to carry out his duties of Chief of State, or if he died. First of all, by several telegrams he expressed his loyalty to Marshal PETAIN from North Africa and then he was arrested by the Allies in Algiers.

THE PRESIDENT: Dr. KRANZBUEHLER, I don't think

(page 8 of original)

we can try the DARLAN affair here. That is a very complicated historical matter and I think you have very generally sketched the history of France so far as it is material for us here. I would not go into the details of the DARLAN affair or into the details of the GIRAUD-De-GAULLE matter.

DR. KRANZBUEHLER: Your Honor, it is sufficient for me to find out and to state that the witness does not know of any other government than the Vichy government which was internationally recognized.

BY DR. KRANZBUEHLER:

Q: Now, Herr SCHLEIER, apart from that, there was an Armistice Commission, which had some influence on the affairs of the Government. What kind of duties did they have?

A: The Armistice Commission had no influence on the duties of the government. According to the conditions of the German-French Armistice, the Commission for the Armistice had the task to decide upon the condition of the French disarmament and to control the disarmament. For this purpose they had their armament control inspectorates in the unoccupied parts of France and in North Africa. Insofar as questions of French foreign trade were concerned, for instance, where the assignment of French merchant vessels were concerned, for these questions and for all other economic questions which resulted from the armistice, there was an Armistice Delegation and they worked with the Armistice Commission.

Q: Now was this Armistice Commission merely a German matter,

(page 9 of original)

or were the French represented in it also?

A: The Armistice Commission, which had its seat at Wiesbaden, was a bilateral matter. There was a German Armistice Commission and a French Armistice Commission and for the German representatives for the various fields, for instance for the Economy, there were also corresponding French representatives on the other side which were at the disposal of the German representatives.

Q: Do you know, who was the chief of the French Delegation?

A: The first chairman of the French Armistice Commission was the General of the Armies HUNTZIGER. Later on he died, during an airplane crash, and his successor, if I remember the name correctly, was General of the Armies Lou de Jean, but I am not so sure of that name.

Q:

A:

Affidavit

I, the undersigned Carl William Holm Hans Henning Dominique von BOSE, Attorney-at-Law at the Superior Court of appeal Tuebingen, concurrently appointed to the wuerttemberg-Hohen-zollern Ministry of Justice, at present residing Im Schoenblick 8, Tuebingen, have first of all been warned that I render myself liable to punishment if I make a false declaration under oath.

I herewith declare under oath that my statement corresponds to the truth, and that it was made to be submitted as evidence before Military Tribunal No. VI in Palace of Justice, Huernberg, Germany.

The question has been put to me whether the regime of PETAIN and LAVAL had been formed in keeping with the regulations of the French Constitution and whether it was thus a legal French government. The legally based stand on this question requires the ascertainment of certain facts which I did not witness, but which, nevertheless, represent fixed historical events. Their recapitulation corresponds exactly to the official and semi-official reports to the best of my knowledge and belief.

When the German troops approached Paris in June 1940, the French government escaped via Tours to

BORDEAUX.

There, among others Monsieur LEBRUN, President of the Republic, Prime Minister REYNAUD with his ministers and their cabinets, JEANNEVEY, President of the Chamber; moreover, the Army High Command with Commander-in-Chief WEYGAND, the Chief of Staff of National Defense, Admiral LARLAN, Chief of the Navy, and General VUILLEMIN, Chief of Staff of the Air Force met together on 15 June. Marshal PETAIN was likewise present in Bordeaux. Still on the same day the ministers met to confer regarding the political and military situation

(page 4 of original)

in consultation with General WEYGAND, Admiral DARLAN and General WILLEMIN. Already in the preceding ministerial council at the Condé Castle on 12 June 1940, General WEYGAND had presented the hopelessness of stopping the advance of the superior German forces. His view was confirmed by reports, which had come in in the meantime.

REYNAUD persisted in the opinion that the government would have to escape to North Africa in order to continue waging the war from there. PÉTAIN was of the opinion that the government ought not to abandon the people, and that a continuation of the war could no longer be answered for. Since REYNAUD was unable to gain the majority of the ministers for his plan, he tendered his resignation to the President of the Republic on 15 June 1940 at 11 o'clock in the evening. Immediately thereafter Monsieur LEBRUN ordered Marshal PÉTAIN to form a government, which the latter undertook in the very same night. On the following day he presented his cabinet to the President of the Republic, who signed the appointment documents of the new ministers in accordance with the regulations of the Constitution.

The cabinet of PÉTAIN thus relieved the cabinet of REYNAUD in the customary manner as provided by the Constitution. It represented the legitimate French government from 17 June 1940 on.

On 22 June 1940 General KEITEL on behalf of the German Army and General HUNTZIGER on behalf of the French Army signed the armistice for which France had sued 5 days before. According to Article 2 of this pact the boundary of the occupied or yet-to-be-occupied portions of French sovereign territory was to

(page 2 of original, cont'd)

begin in the East on the French-Swiss border at Geneva, continue across Dôle, Paray-le-Monial and Bourges up to approximately 20 km East of Tours and from there run 20 km East of the railroad line Tours-Angoulême-Libourne across Mount de Marsan and Orthez to the Spanish border. The pact was to take effect on 26 June 1940. Bordeaux, which was not occupied, belonged to the Occupation Zone according to article 2 of the pact.

(page 3 of original)

Article 3 of the armistice Pact left it open to the choice of the French government whether it wished to remain in the unoccupied territory or to transfer to Paris. It chose the latter, quitting Bordeaux in order at first to retreat to Clermont-Ferrand, and thereafter to transfer its seat to

VICHY

by virtue of the Law Governing the Organization of the Nation in Time of War, dated 8 July 1938. Prior to leaving Bordeaux, it participated in the presence of the President of the Republic in the celebration of a memorial service in the cathedral of the city, on 25 June 1940, which day had been declared a national day of mourning.

In Vichy the ministerial council conferred over a government bill with the aim of commissioning Marshal PETAIN with the alteration of the constitution.

This proposition had a change of the constitution for an objective, because due to the prevailing constitution laws of 1875 only the National Assembly, constituted of chamber and senate, had the power of changing the existing constitution.

According to paragraph 8 of the Constitution Law of , 25 February 1875 the procedure required first of all a resolution on the part of both chambers coinciding but passed separately and by a clear majority, that the constitution be changed and, moreover, either on their own initiative or on demand of the President of the Republic. After these two resolutions had been passed, the chamber and senate united for

(page 3 of original, cont'd)

a National Assembly in order to vote on the alteration of the constitution proper. The decision required the clear majority of the members. Monsieur LEBRUN, who took part in the ministerial council proposed the vote on the bill, regarding which he had been informed by LAVAL by order of Marshal PÉTAIN. LAVAL had been appointed to the government together with MARQUET as Minister of State on 23 June. An alteration of the constitution had already been intimated in Bordeaux, where the ministers had congregated.

(page 4 of original)

almost daily in the morning and in the evening in a semi-circle about the President of the Republic and the Prime Minister.

1. Summoning of the chambers: Following the ministerial council the President of the Republic called both chambers separately for the drawing up of a resolution and for the calling of the National Assembly. The convocation was announced after 2 July 1940 through the newspapers.

2. Resolutions of the Chambers: On the morning of 9 July the chamber met under the chairmanship of its President, Monsieur HERRIOT. It decided the summoning of the National Assembly for the alteration of the constitution by a majority of 395 to 3 voices.

On the afternoon of the same day the senate met under the chairmanship of its President, Monsieur JEANNENEY, and passed the same resolution with 229 votes to 1. The requisite clear majority was not only attained in both cases, but also exceeded by far.

3. National Assembly:

a) Closed Session: In the fore-noon of 10 July the National Assembly met for a closed session under the chairmanship of its vice-president VALADIER, in order to confer as preparatory measure on the government draft.

The government draft provided that the National Assembly granted to the government full powers for the promulgation of a new Constitution of the French state, under the signature and the authority of Marshal PETAIN as Prime Minister. This constitution was to be ratified according to the text of the government draft by the bodies created by it.

Against this government draft the former veterans among the senators, represented by Senator TAURINES juxtaposed the following counter-draft:

(page 5 of original)

Be it resolved by the National Assembly that:

1. The application of the Constitution Laws of 24 - 25 February and 16 July 1875 will be suspended until the Peace Treaty;
2. Marshal PETAIN has in the way of decrees with legal force full power to resort to the measures requisite for the maintenance of order, of life, and the rehabilitation of the country, as well as the liberation of the sovereign territory.
3. The National Assembly entrusts to Marshal PETAIN the mission of collaborating with the competent commissions on the preparation of the new constitution by-laws, which shall be proposed to the people, as soon as circumstances permit a free discussion.

So Minister LAVAL announced that the government was ready to change the text of its draft and to take into consideration one of the demands of the counter-draft. The draft, which was to come up before a vote in the afternoon, was to contain the provision that the constitution would be ratified by the people and executed by the bodies created by it. By this means the withdrawal of the counter-draft was rendered possible.

LAVAL, who spoke in the name of Marshal PETAIN, did not state anything about the form of consulting the people, but rendered the assurance that it would take place in the broadest possible scope, and that the constitution would not be ratified by the bodies of the moment, the chamber and the Senate, but by a vote of the nation as a whole.

Until the new bodies were created, the present ones were to carry on, but with limited function. For the rest he spoke about the spirit of the new constitution. The sessions record was taken down in shorthand, however, it was not published as far as I know, but was supposed to be transferred to the National Archives. The foregoing data were described by the representative Jean MONTIGNY "From the Armistice to the National Assembly", Publisher Mont-Louis, Clermont-Ferrand, 1940 (Unoccupied Territory), as well as quoted from the

(page 6 of original)

presentation of Prof. BURDEAU, Manuel DE DROIT Constitutionnel, 5th edition 1947, Part III, chap. I, article I.

b) Public Session:

In the afternoon of 10 July the public session of the National Assembly took place under the chairmanship of the President of the Senate, Monsieur JEANNENEY in accordance with paragraph II of the Constitutional Law of 10 July 1875. For particulars reference may be made to the sessions record.

After the report of the committee, which had been formed for the examining of the bill, was made public, the National Assembly proceeded to the vote. 569 votes were cast for the government draft, 30 Parliament members against it, and 18 abstained. Thus, the clear majority required as per paragraph 3, section 2 of the Constitutional Law of 25 February 1875 was attained by far and, moreover, even then when the clear majority is computed with the inclusion of those who had died since the assumption of this office, had relinquished their office, or had been declared as having forfeited it. In the latter category belong the 72 Communist senators and representatives, who had been declared as having forfeited their office in January 1940. Thus with the inclusion of all those who had lost their office as a result of decease, withdrawal or forfeit in the computation, 467 votes would have sufficed for the attainment of a clear majority for the 932 senators and representatives (618 deputies and 314 senators) (Cf in this connection BURDEAU, "MANUEL DE DROIT constitutionnel", Paris, Librairie Générale de Droit et de Jurisprudence, 5th edition, 1947, II part, chapt. II, part 2, 2nd paragraph).

However one may interpret paragraph 3 section 2 of the Constitutional Law, in each case the alteration of the Constitution has been arrived at according to due process of law. (Cf in this connection DUVERGER, Les Constitutions de la France, 2nd edition 1946, page 104).

(page 7 of original)

The
Constitutional Law

of 10 July 1940 states as follows:

"The National Assembly confers on the government of the Republic under the authority and the signature of Marshal PETAIN full powers to promulgate a new constitution of the French State by one or more acts. This constitution must safeguard the rights of labor, of the family, and of the country. It will be satisfied by the nation and applied by the bodies which it has created."

It was proclaimed on 11 July 1940 by Monsieur LEBRUN, the President of the Republic in the customary manner.

This Constitutional Law did not touch the legality of the PETAIN government but extended the latter's power of authority, which, up to now, had been restricted to the executive power, over the legislative power including that of creating a constitution. It represents the basis for the subsequent acts of the government, the legislation, and the constitution the latter of which, however, do not represent a full constitution, but rather a mere statute of organization.

Conclusion

In effect Marshal PETAIN, appointed by the President of the Republic, took over the formation of the government during the night of the 16 to the 17 June 1940 as the successor of Paul REYNAUD, in no way differing from the long series of Prime Minister of the Third Republic preceding him. As Professor BURDEAU (op. cit., page 203) ascertains, it took place "in the most regular manner, according to the procedure which is normally observed for the investigation of ministerial crimes. Thus, one cannot contest

(page 7 of original, cont'd.)

the legality of the cabinet which was formed during the night of the 16 to the 17 June --- ". Further results show that the majority of the appointed representatives of the French people had demonstrated their confidence in the vote of 10 July 1940, which could scarcely have been expressed in a more unrestrained manner.

The legality of the PETAIN government has been contested. In a political respect General de GAULLE has always designated the government of PETAIN as a usurper of authority. The note from General de GAULLE and the Conseil de

(page 8 of original)

Défense de l'Empire français of 17 May 1941 to all the governments represented in London, declares, that the Vichy-government had placed itself in a situation through the Armistice whereby it was deprived of every independence over against the intruder, that it had seized the power and changed the French institutions completely without consulting the French people and without allowing its representatives to express themselves freely, that it was exercising authority without any check on the part of the nation since this usurpation, and as a result was not in the situation to exercise the authority of the French sovereignty and did not have the right to do so. The Decree of 9 August 1944 in regard to the Restoration of the Republican Legality on the Continental Sovereign Territory also regards the government of PETAIN as if it had never been anything but a de facto government (WALLINE in Sem. jur. of 7 January 1945).

However, as WALLINE correctly observes, de GAULLE, whose main activity was directed toward the organization of the battle, could not afford to have his troops treated as guerilla members. For him from this point of view, the French government was no longer legal already with the conclusion of the Armistice.

Professor BURDEAU (op. cit., page 202 f) is of the opinion that one can give these words their true significance only if one distinguishes between the legality and the legitimacy of the government. The government of Marshal PETAIN was a legal government on the basis of the Constitutional Law of 10 July 1940, since it was formed in accordance with the Constitution, which for its part had been created according to the law. For the rest, regarding the uncontestability of these facts, he refers to the Plaidoyer of Chief Public Prosecutor MORNET in the trial against

(page 8 of original, cont'd.)

Admiral ESTEVA before the Haute Cour de Justice, (High Court of Justice), expresses the opinion, however, that the PETAIN government had not been legitimate, in the sense that legitimacy rests on the consent of the people, and that the French, who had remained loyal to the democratic ideal, had rejected this regime. Conversely, he is of the opinion that the de GAULLE government,

(page 9 of original)

was legitimate, to be sure, when it had its seat in London, and later in Algiers. but illegal (Burdeau, op. cit., page 162). The Decree of 9 August 1944, did, to be sure, establish 16 June 1940 as the date of the last legal government of the Republic. As a matter of fact, however, this day was not the legal end of a regime, but the starting-point of a revolution: the Revolution of General de GAULLE (Burdeau, op. cit., page 203) and of his followers with the aim of lending expression and force to the national legal concept which ceased to represent the official power of the state. His first provisional government which on 3 June 1940 relieved the French committee of the National Liberation, was still a de facto government. Only the second provisioned government, which had for a basis the Constitutional Law of 2 November 1945 resolved by the French people on 21 October 1945, was legal, and here also it would be better to speak of a regime rather than of a government. (Burdeau, op. cit., page 198 f.)

In French political science also the idea is not unanimously represented, that the government of PETAIN was legal. Thus Prof. DUVERGER, Bordeaux, is of the opinion, that the Constitutional Law of 10 July 1940 was legal, to be sure; however, the constitutional acts decreed on the basis of the constitutional law were illegal, and for this reason, that the Vichy government was only a de facto government. However, one would have to admit, that the provisional government of the Republic (that is, of course, the government of General de GAULLE up to the Constitutional Law of 2 November 1945) did not present itself different from the legal point of view. The illegality of the constitutional acts was deduced by DUVERGER from the fact that the constitutional law

(page 9 of original, cont'd.)

ordered the ratification of the constitution to be promulgated by Marshal PETAIN, and the constitutional acts were illegal because their ratification by the people did not take place. To be sure over against this, it is maintained, that the Constitutional Law gives Marshal PETAIN the right to promulgate the constitution and that therein lies the possibility of making it binding prior to the ratification.

One would have to admit that a clear contradiction existed between the words promulgate and ratify. However, it is to be explained by the circumstance that the obligation to ratification had been added to the original version, and that they had overlooked to bring the remainder of the text in agreement with this addendum (cf. DUVERGER, op.cit. page 107). The debate during the public session of the National Assembly confirms the view of Prof. DUVERGER insofar as is shown in a statement of LAVAL, that the ratification must precede the "fonctionnement effectif des institutions nouvelles". However, were the 12 constitutional acts already to be regarded as these "institutions", which represented everything other than a full constitution? And was it not meant that the matter should go no further than to a provisional organization statute, after hopes for an early peace had been dashed, and a ratification by the nation was out of question before the return of approximately 1.8 million men from captivity? Other than that: How could these constitutional acts change a legal government into a de facto one?

After the National Assembly had entrusted to Marshal PETAIN the whole executive and legislative power, the legality was there where he wanted it to be, in any case, as long as the people did not remove it and another government was recognized by the foreign states. The independence or dependence of a government has, of course, a bearing on its sovereignty, but does not touch its legality. Even a feeble or incompetent government does not lose its legality merely because it is feeble or bad or incompetent. PETAIN's government ceased only then to be legal, when Marshal PETAIN declared that he no longer regarded himself as the sovereign head and released his fellow-citizens from their obligations.

Whether he should have done so earlier, might be a question of legitimacy which we need not investigate here, but it does not touch on the legality. The first legal government after the liberation is the 2nd provisional government, whose

legal basis is provided by the Constitutional Law of 2 November
1945, resolved by popular vote on 21 October 1945.

Tuebingen, 20 February 1948

signed: von BOSE

The afore-going signature of Carl William Holm Hans Renning
Dominique VON BOSE in Tuebingen, Im Schoenblick 8, given before
me, is herewith certified and witnessed by me.

Tuebingen, 20 February 1948

Land Wuerttemberg-Hohenzollern

Ministry of Justice

by

signed: Signature

Ministerialdirektor

(Soel):

Ministry of Justice
Wuerttemberg-Hohenzollern

Document Book V SCHNITZLER
Document SCHNITZLER No.96
Exh.No.

I, Dr. Leopold KRAFFT von DELLMENSINGEN, at present
Defense Counsel at the American Military Tribunal, Nuernberg,
herewith certify that the following excerpts were taken from
the book:

Jean MONTIGNY

De l'Armistice à l'Assemblée Nationale

15 juin - 15 juillet 1940

Toute
LA VÉRITÉ

sur
UN MOIS DRAMATIQUE
DE NOTRE HISTOIRE

Editions Mont - Louis
Clermont-Ferrand

and that they were copied true to original text.

The underlinings in the individual excerpts were done by
the Defense.

Nuernberg, 11 March 1948

Signature: Dr. L. KRAFFT von DELLMENSINGEN
(Dr. D. KRAFFT von DELLMENSINGEN)

Page 8, last paragraph, as far as page 11,
second paragraph.

On 13 June, Monsieur REYNAUD solemnly asked President ROOSEVELT to declare officially that the United States, would grant their moral and material assistance to the Allies, short of sending an expeditionary force.

On Saturday, 15 June, no answer of President ROOSEVELT's had arrived as yet.

The end of the ministry of REYNAUD.

From 16 hours until 1945 hours, the ministers held their first ministerial conference in the governmental building of Bordeaux and started again on a new examination of the political and military situation. This governmental conference was attended by General WEYGAND, Admiral DARLAN and General VUILLEMAIN, Chief of Staff of the Air Force. The whole of France awaited with anxiety the results of the ministerial conference. Soldiers and refugees crowded in the towns and villages and stood around the radio transmitters and waited for the messages; everybody was aware of the fact that the fate of France was at issue.

But the ministerial conference broke up without making a decision. The conference was resumed Sunday morning and afternoon. The council was informed then that President ROOSEVELT, besides declaring that the United States would double their efforts as regards supplies of air-planes and ammunitions, had made it unmistakably clear that this promise did not include any military assistance because only Congress would be entitled to such a statement.

(page 2 of original)

At the same time, the German armies had crossed the Seine in the direction of Melun and Fontainebleau, had reached Avallon and the north edge of Dijon and crossed the Saona.

During the preceding days, Great Britain had reduced her forces in the first line of the French Front to the strength of one division and limited her assistance from the air to approximately 80 interceptors.

Since 16 June, the formations of the British Air Force had retired to the neighborhood of St. Nazaire to embark from there.

For these reasons, no British or American help could save France from a complete invasion.

The more the time went on, the longer the bombardments from the air of the cities, the killing of civilians and soldiers kept going, of soldiers who, for their most part could not fight any more for lack of the necessary supplies, the clearer became, with a tragic limpidness, the outlines of the alternative: either to ask for an armistice, as Marshal PETAIN and General WEYGAND advocated, or to give France up for lost.

The MM. REYNAUD and MANDEL seeing that they lost control of the majority of the ministerial council approached Mr. CHURCHILL with a last suggestion in order to gain time: the French government proposed to leave the soil of the homeland and to proclaim the establishment of an Anglo-French union with a common nationality.

Had such a suggestion been made prior to the invasion, it would have created a sensation. At the time when it was made, it could only mean that the French possessions overseas would come under British rule. The majority of the ministers backed up Marshal PETAIN and General WEYGAND by rejecting this proposal which would actually have reduced France to the status of a dominion.

(page 3 of original)

At 23 hours, M. Paul REYNAUD offered the resignation of the ministers to the President of the Republic.

M. Albert LEBRUN commissioned the Marshal with the forming of a new government.

.....

Page 12, top, up to page 13, last paragraph but two.

The old Marshal who never shirked his duties accepted the commission which M. Albert LEBRUN had entrusted to him forthwith.

He constituted his cabinet as set out in the following:

Marshal PETAIN, Prime Minister

Camille CHAUTEMPS, senator, state minister, Deputy Prime Minister,

General WEYGAND, commissioned with the defense of the country,

General COLSON, War Minister,

General PUJO, Minister for Aviation,

Admiral DARLAN, Minister of Navy and Merchant Marine

FREMICOURT, First President of the Court of appeals, Minister of Justice,

POMARET, Deputy, Minister for the Interior,

Paul BAUDOUIN, Foreign Minister,

BOUTHILLIER, Minister of Finances and Commerce,

Albert RIVIERE, Deputy, Minister of the Colonies,

Albert RIVAUD, Professor at the Sorbonne, Minister of Education,

L.-O. FROSSARD, Deputy, Minister for Public Works and for Transportation,

CHICHERY, Deputy, Minister for Food and Agriculture,

FAVRIER, Deputy, Minister for Public Welfare,

YBARNEGARAY, Deputy, Minister for Public Welfare,

(page 4 of original)

ALIBERT, Secretary General to the Cabinet,

SCHUMAN, Deputy, Minister for Matters relating to the refugees.

At 1230 hours Marshal PETAIN delivered the following address:

Frenchmen,

Upon request of the President of the Republic I assume the leadership of the French Government with effect of to-day.

I know that our admirable army, combatting an enemy, who is superior in numbers and armament, with a heroism worthy of its long military traditions, offers me its love; I know that the army, by its wonderful resistance, fulfilled our obligations to our allies; I know that I can be sure of the support of the war veterans whom I was honored to command; I know that I enjoy the confidence of the entire nation: For this reason I offer as a present to France my own person in order to relieve her misfortune.

In these direful hours I remember the unfortunate refugees who crowd our roads in the deepest of distress. I offer them my sympathy and my care.

With a sad heart I tell you now that there must be an end of the fighting. To-day I have approached our enemy with the question of whether he is willing to seek, together with me, as is usual between soldiers, for honorable ways and means to put an end to the war.

May all the French people flock around the government which I am leading and control their sorrow in this time of hard trial by obeying to their faith in the future of their country.

.....

(page 5 of original)

Page 37, paragraph 2 up to page 38, last paragraph but two.

M. Jean PROUVOST, Commissioner General for Propaganda, then reported about the sad hours in the castle of Cande.

On 12 June, M. Paul REYNAUD introduced General WEYGAND to the ministerial council which was held in the castle of Cande under the chairmanship of M. Albert LEBRUN. With a clearness and sincerity which moved most of the ministers to tears, the generalissimo sketched the military situation in the most dramatic session which the government of the French Republic had ever seen. Subsequently, the members of the government briefly gave their opinions. It became obvious that the opinion dominated that it would be impossible for France to evade the complete occupation without an armistice. In the face of this dreadful possibility, the ministerial council unanimously decided to entreat Prime Minister CHURCHILL to come to France for a joint conference. The Cabinet was convoked again at 1500 hours of the next day in order to establish contact with the British Prime Minister and to learn his opinion from his own mouth.

For two hours the French ministers anxiously awaited the British Prime Minister walking in small crestfallen groups in the garden. Approximately at 1700 hours, Prime Minister REYNAUD and the Minister of the Interior MANDEL arrived alone and said that they both had seen the British Prime Minister who, however, had to return to England and regretted very much that he had been unable to talk to the French ministers.

The cabinet then asked M. Paul REYNAUD for the opinion of the British Prime Minister in case France should be compelled to surrender.

(Page 6 of original)

M. REYNAUD gave the following reply: "In agreement with Lord HALIFAX and Lord BEAVERBROOK who had accompanied the British Prime Minister, the latter said that the British government, as at present, would go on giving France the greatest possible assistance on land, water and in the air; but, if the events would force France to solicit Germany for an armistice, that it was his opinion as well as that of Lord HALIFAX and Lord BEAVERBROOK that England would never reproach an ally who was in difficulties, and would have the fullest understanding for the situation in which he found himself against his will".

This declaration was made in presence of M. Paul BLAUDOUIN who was a State Secretary in the Ministry for Foreign Affairs at that time and became the Foreign Minister in the Cabinet of Marshal PETAIN.

The discussions in the ministerial council were, therefore, made in full knowledge of the statement of the British Prime Minister.

The resolution of asking for an armistice was postponed for 2400 hours for two reasons: Before forming a definite resolution, the cabinet wanted

- 1) to await the reply of President ROOSEVELT to France's cry for help, and
- 2) to inform the British Cabinet about the situation and the resulting consequences in an even still clearer manner.

.....

(page 7 of original)

Page 61, heavy type paragraph:

The sole passage. - Under the name and jurisdiction of the Prime Minister Marshal PETAIN, the National Assembly transfers to the government of the Republic all powers with respect to the establishment of a new Constitution of the French state, which Constitution may come into being by one or several acts. This Constitution must guarantee the rights of work, family, and country and will be ratified by the Houses of the National Assembly to be established by the said Constitution.

.....

Page 72, first and second paragraphs:

M. PIERRE LAVAL said that the government has declared its willingness to amend the wording in order to comply with one of the demands contained in the counter proposal.

The bill which would be put to the vote in the afternoon would provide that the Constitution would have to be "ratified by the people and would be applied by the Houses of the National Assembly to be created by the said Constitution".

.....

Page 94, third and fourth paragraphs.

The National Assembly.

The only article of the Bill put to the vote resulted in the following voting:

Votes: 649. Absolute majority: 325.

Aye-votes: 569, Nay-votes: 80

.....

Appendix:

(page 8 of original)

The Voting of the National Assembly on the
Proposal of the Government.

The motion for the transfer, under the name and jurisdiction of Marshal PETAIN, of all powers for the establishment of a new Constitution of the French state, to the government of the Republic, was accepted with 569 votes against 80 with 17 abstaining from voting.

80 members of the parliament voted against the motion:

M. Marcel ASTIER, AUDEGUIL, VINCENT-AURIOL, Alexandre BACHELET (Seine), Vincent BADIE, BEDIN, Emile BENDER, BIONDI, Léon BLUM, BONNEVAY, Paul BOULET (Hérault), BRUGIER, BUISSSET, CABANNES, CAMEL, marquis de CHAMBRUN, Champetier de RIBES, Pierre CHAUMIE, CHAUSSY, Joseph COLLOB (Var), CRUTEL, D'AROUX, DELON-SORBE, DEPIERRE, Varx DORMOY, ELJIGER, Paul FLEUROT, FOUCHARD, FROMENT, Paul GIACOBBI, Justin GODART, Félix GOUIN, GOUT, Louis GROS (Vaucluse), Amédée GUY, Jean HENNESSY (Alpes-Maritimes), HUSSEL, ISORE (Pas-de-Calais), JARDON, JAUBERT, JORDERY, Francois LABROUSSE, Albert Le BAIL, LEGACHEUX, LEGORGEUX, LUQUOT, MALROUX, Gaston MANANT, MARGLINE, Léon MARTIN (Isère), MAUGER, MANDIONDOU, Jules NOCH, PONTEL, marquis de MOUSTIER, Marius MOUTET, NICOD, NOGUERES, Jean ODIN, PAUL-BONCOUR, PERRET, PEZIERES, André PHILIP (Rhône), Marcel PLEISANT, TANGUY-PRIGENT, RAMADIER, J.-P. RAUBAUD (Ariège), René RENOULT, Léon ROCHE, Camille ROLLAND, Jean-Louis ROLLAND (Finistère), Joseph RPUX (Pyrénées-Orientales), Emmanuel ROY (Gironde), SEMES, SERRE, Paul SIMON, Gaston THIEBAUD, THIVRIER, TREMINTIN, ZUMINO.

(page 9 of original)

17 deputies abstained from voting:

MM. Georges BUREAU, CAMPARGUE, CHASSAING (Puy-de-Dôme),
DRIVET, Petrus FAURE (Loire), HERRIOT, André HONNORAT, Jules
JULIEN, Charles LUSSY, Marcel MICHEL (Dordogne), MONNET, Léon
PERRIER, Pierre ROBERT, Henri QUEUILLE, Albert SEROL (Loire),
T. STEEG, Raymond VIDAL.

Three deputies have behind their names the following notation
in the record:

"Prevented from participating in the vote": They are:

MM. MOURER, STURMEL, and ROSSE.

The following were excus

MM. Paul BASTID, Henry BERENGER (Guad loune), BROUT,
CAMPINCHI, CATHAL (Gers), DELATTRE, Yvon DELBOS, Joseph
DENAIS, André DUPONT (Eure), DUPRE, Alexandre DUVAL,
GALANDOU-DIOUF, GRUMBACH, HAMELIN, général HIRSCHUER,
JACQUINOT, de la GRANDIERE, LAZURICK, André Le TROUER,
LEVY-ALPHANDERY, Georges MANDEL, Auguste MOUNIE, PAREYRE,
PERFETTI, Jean PHILIP (Gers), Tony REVILLON, Paul REYNAUD,
Jammy SCHMIDT, général STUHL, THOMAS (Saone-et-Loire), Francois
de WENDEL (Meurthe-et-Moselle).

Except those deputies and senators who were prevented from
coming to Vichy and except the excluded Communist members of
Parliament, all other senators and deputies voted with "Aye".

I, Dr. Walter SIEMERS, Attorney-at-Law in Hamburg, at present
a defense counsel at the American Military Tribunal in Nuernberg,
certify herewith that the article attached:

"PETAIN, a Traitor or a Man of the Resistance
Movement?"

has been literally copied from the news-paper

Samedi Soir

No. 136, dated 14 February 1948.

Nuernberg, 16 March 1948.

signed: Dr. SIEMERS

Translation

Excerpt from:

SAMEDI-Soir

No. 136

14 February 1948

PETAINE's last chief of cabinet discloses the Vichy files and for the first time puts this controversial question before the judgment of history:

Is PETAINE a traitor or a fighter of the resistance movement?

A book will come out in the near future which will mark a new phase in the controversy regarding the conduct of French affairs during the war.

It is for the first time that one of the men among those who participated directly in the PETAINE-controlled policy of Vichy, attempts to explain its general line and acts with the conscientiousness and rigour of the historian.

His name is Louis-Dominique GIRARD, who since 1941 was a member of Admiral DARLAN's cabinet and from January 1944 on chief of PETAINE's civil cabinet. The title of his book is "Montoire - a diplomatic Verdun."

The author intends to set forth:

1) That the armistice of 1940 preserved French sovereignty, avoided the loss of millions of prisoners of war such as would have been the result of a capitulation on the battle field, prevented the appointment of a Gauleiter and set up the protective wall of a French administration between the tyranny

(page 2 of original)

of the occupation power and the French population;

2) that the Vichy government kept North-Africa free from the German invasion, rejected HITLER's ultimatum demanding bases in Africa on 15 July 1940, and permitted the establishment of a serviceable basis in Algeria and Morocco to be used at the time of liberation;

3) that PETAIN's meeting with HITLER in Montoire amounted to HITLER being deceived, since PETAIN, on the same day, entered into negotiations with London for the conclusion of a secret agreement;

4) that the policy of "double-dealing" pursued after Montoire handicapped German activities, gained valuable time and in cooperation with the Allies served the interests of the latter;

5) that the Allies considered and recognized the Vichy government as the legal French government, had their ambassadors stationed there, negotiated and treated with it openly or secretly, and that they supported the confidential agents of Vichy in North-Africa in 1942.

So far only apologies, anecdotes or polemic tracts had appeared with regard to that dramatic epoch, publications which brought Vichy followers and underground fighters out on the arena against each other.

Is historic criticism, without waiting for the well-known "reaction" and starting from the estimate of the facts, the documents and the acts, now going to claim its rights? "It is premature to write history, at any rate up to that moment when it has become too late" says, not without wit, Monsieur

(page 3 of original)

Jacques SOUSTELLE in the preface to another new book: "Envers et contre tout" (Towards and against everything), in which, in contrast to Monsieur GIRARD, he describes the activity of the Free Frenchmen behind General de GAULLE in a manner as though this community alone had served the true interests of the nation.

Still, the reader will be struck by the serenity with which the historian of Free France in the service of his movement exposes the very facts which Monsieur GIRARD in his turn invokes to explain the Vichy diplomacy. Thus, for instance, the contacts and agreements, which the Anglo-Saxon Allies and even the Soviets openly or tacitly had with the PETAIN government are termed by Monsieur SOUSTELLE as "weakness", whereas to the former collaborator of PETAIN they constituted the justification of the "double-dealing", had even become the "big plan".

Tactical necessities or treason?

From the anathema and legal condemnation one now proceeds to examine the circumstances cleared of that "fume" of which Monsieur SOUSTELLE is speaking and behind which - no matter if some, like himself, "threw upon the table of destiny their own honor and their own lives" - others were modulating on the keyboard of moral values and concepts ranging from "attentism to collaboration" as he himself puts it today. (Monsieur GIRARD also makes a distinction between "collaboration" and "collaborationism", the first being to him tactical necessity, the latter treason.)

(page 4 of original)

But, no doubt, this is not only to prove Monsieur SOUSTELLE's objectivity so natural in a man of science. He is a man of politics too, who has the right to think that a victorious cause which involved the fate of the nation must see things from a high level.

This sorrow is rather acute these days. Could one not see last Sunday, at a political meeting, one of the most ardent Gaullistes, M. GIACOBBI, the very president of the "Intergroupe", seated at the right of one of those former presidents of the Vichy government whose activities Monsieur GIRARD seeks to describe as having been based on patriotic motives: Monsieur P.E. FLANDIN, who thus marked his return to the political arena.

Document Book V SCHNITZLER
Document SCHNITZLER No. 98
Exh. No.

I, Dr. Rolf MUELLER, Defense Counsel at the Military
Tribunal Nuernberg, certify that the enclosed article

"KUHLMANN und die IG-Beteiligungen"

(KUHLMANN and the IG interests) is a literal and correct copy
from the newspaper

"Die Badische Zeitung"
(provincial edition)

of 4 November 1947.

Nuernberg, 19 March 1948

signature: MUELLER
(Dr. Rolf MUELLER)

Excerpt from:

"Die Badische Zeitung"
Laender Edition

of 4 November 1947.

KUHMANN and the I.G. Holdings.

A lawsuit is pending about the interests of "Etablissement KUHMANN" France's biggest chemical concern, in the former I.G. Farbenindustrie. During the occupation the KUHMANN dyestuff plants were merged into a new concern, "Francolor", each of the plants transferring 51% of its shares to the I.G., and the latter, in turn, conveying 7778 of its own shares. The judgment of the court of first instance rules the rehabilitation; against this the French State which in the meantime had taken over the "Francolor" under its own management made a plea on the grounds that in setting up the "Francolor" KUHMANN had not acted under duress. By ministerial order the I.G. Farben shares held by the "Francolor" had passed to the French State. It is not assumed that KUHMANN will claim these shareholdings (book value 488 million Francs). The financial position of the enterprise is very satisfactory: it netted 50.5 million Francs in 1945. The capital stock has been increased from 505.4 million Francs in 1939 to 1098 million Francs. The revaluation of the assets

(page 2 of original)

resulted in a reserve of 1151 million Francs, and it is assumed
that this amount will be transferred to the capital stock by an
issue of bonus shares.

(Underscoring by defense counsel)

Certificate of Translation

21 April 1948

We heroby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of Document Book V SCHNITZLER.

Hanna Marie BIEBER, Civ. No. B-397 989, (pages 12-21)

.....

Hildegard L. FIRTEL, Civ. No. 17 415, (pages 30-32)

.....

Gerhard FISCHER, Civ. No. 17 397, (Cover; Index; 22-29; 109-113)

.....

Rosl GETREU, Civ. No. 45 672, (pages 1; 4-11; 40-45; 50-51)

.....

Paul E. GROPP, Civ. No. B-397 975, (pages 95-104)

.....

Hans NICHTENHAUSER, Civ. No. 20 113, (pages 12-21)

.....

Alfred OBERLAENDER, Civ. No. 20 192, (pages 114-115)

.....

Fredoris L. PERA, Civ. No. B-397 943, (pages 73-84)

.....

Kurt SCHREUER, Civv No. 35 299, (pages 33-37)

.....

Case 6
Defense

DOCUMENT BOOK VI

for

Dr. Georg von S C H N I T Z L E R
.....

PRESENTED TO MILITARY TRIBUNAL

VI

by

Dr. Walter S I E M E R S,

Attorney at Law in

Hamburg

....

Georg



T A B L E O F C O N T E N T S

to Document Book VI
for Dr. Georg von S C H N I T Z L E R

* * *

Documents 99 - 107 and 2, Page 1 - 114

Schnitzler Exhibit
No. No. Description of Document Page

Exploitation of the economy in occupied territories.

I. Basic principles of International Law.

99	Submitted in the Flick Trial as Weiss No. 100: Convention concerning Laws and Customs of Land Warfare 18 October 1907 (Hague Rules of Land Warfare).	1 - 25
100	The Atlantic Charter of 14 August 1941, signed by Franklin D. Roosevelt and Winston S. Churchill "Their countries seek no aggrandizement, territorial or other".	26 - 31
101	Control Council Law No. 10, Article 2 No. 1a and b submitted in the Flick Trial as Weiss No. 1167. The Control Council Law does not contain any definition of the word "Looting"; it merely refers to an "infraction of the Laws and Customs of War."	32 - 33
102	Accepted by Military Tribunal I in the Flick Trial as Weiss Exhibit No. 1: Expert legal opinion by the expert on International Law Dr. Herbert Krauss concerning the criminal responsibility of private persons in cases of violations of International Law.	34 - 89

Schnitzler Exhibit			
No.	No.	Description of Documents	Page
103		Decree of the Fuehrer and Reich Chancellor concerning the occupied Polish territories dated 12 October 1939. Appointment of the Civil Administration. The preamble conforms to Article 43 of the Hague Rules for Land Warfare.	90 - 93
2	2	Accepted as Prosecution exhibit No. 564 by the Military Tribunal in the Flick Trial. Decree of the Fuehrer concerning the administration of the newly occupied Eastern territory dated 17 July 1941. The preamble conforms to Article 43 of the Hague Rules for Land Warfare.	94 - 99
104		Accepted as Prosecution exhibit No. 575 by the Military Tribunal in the Flick Trial. Decree concerning the Special Assets of the Economy in the Occupied Eastern Territories dated 28 May 1942. Par. 2 "The special assets of the economy are to be administered in trusteeship. Dispositions shall require the approval of the Reich Minister for the Occupied Eastern Territories."	100 - 102
106		Accepted as Weiss Exhibit No. 171 by the Military Tribunal in the Flick Trial. First, implementation of directive concerning special assets in the Occupied Eastern Territories dated 3 October 1941.	103 - 108
108		Accepted as Weiss Exhibit No. 172 by the Military Tribunal in the Flick Trial. Third implementation of directive concerning special assets in the occupied Eastern Territories dated 18 May 1943.	109 - 111
107		Accepted as Weiss Exhibit No. 173, by the Military Tribunal in the Flick Trial. Fourth implementation of directive concerning special assets in the occupied Eastern Territories dated 14 January 1944.	112 - 114

I, Dr. Walter Siemers, attorney in Hamburg, at the time
defense counsel at the Military Tribunal in Nuernberg, certify that
the appended document:

Convention concerning the Laws and Customs of
Land Warfare dated 18 October 1907
(Hague Rules of Land Warfare)

Reich Legal Gazette 1910, pages 108/9, 124/27 and 132/51
are a literal copy. The document was submitted by the
defense in Case V (Flick Trial) as Weiss Document No. 1001 to the
Military Tribunal No. IV.

Nuernberg, 5 March 1948

(Dr. Siemers)

Reich Law Gazette 1910

Pages 108-109, 124-127 and 132-151.

108

..... Seeing that, while seeking means to preserve peace and prevent armed conflicts between nations, it is likewise necessary to bear in mind the case where the appeal to arms has been brought about by events which their care was unable to avert;

Animated by the desire to serve, even in this extreme case, the interests of humanity and the ever progressive needs of civilization;

Thinking it important, with this object, to revise the general laws and customs of war, either with a view to defining them with greater precision or to confining them within such limits as would mitigate their severity as far as possible;

Have deemed it necessary to complete and explain in certain particulars the work of the First Peace Conference, which, following on the Brussels Conference of 1874, and inspired

- 109 -

by the ideas dictated by a wise and generous forethought, adopted provisions intended to define and govern the usages of war on land.

According to the views of the High Contracting Parties, these provisions, the wording of which has been inspired by the

- 2 -

desire to diminish the evils of war, as far as military requirements permit, are intended to serve as a general rule of conduct for the belligerents in their mutual relations and in their relations with the inhabitants.

It has not, however, been found possible at present to concert Regulations covering all the circumstances which arise in practice;

On the other hand, the High Contracting Parties clearly do not intend that unforeseen cases should, in the absence of a written undertaking, be left to the arbitrary judgment of military commanders.

Until a more complete code of the laws of war has been issued, the High Contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.

They declare that it is in this sense especially that Article I and II of the Regulations adopted must be understood.

-- 124 --

Article 1

The Contracting Powers shall issue instructions to their armed land forces which shall be in conformity with the Regulations respecting the Laws and Customs of War on Land, annexed to the present Convention.

- 3 -

Article 2

The provisions contained in the Regulations referred to in Article I, as well as in the present Convention, do not apply except between Contracting Powers, and then only if all the belligerents are parties to the Convention.

Article 3

A belligerent party which violates the provisions of the said Regulations shall, if the case demands, be liable to pay compensation. It shall be responsible for all acts committed by persons forming part of its armed forces.

Article 4

The present Convention, duly ratified, shall as between the Contracting Powers, be substituted for the Convention of the 29th July 1899, respecting the Laws and Customs of War on Land.

The Convention of 1899 remains in force as between the Powers which signed it, and which do not also ratify the present Convention.

Article 5

The present Convention shall be ratified as soon as possible. The ratifications shall be deposited at The Hague. The first deposit of ratifications shall be recorded in a process-verbal signed by the Representatives of the Powers which take part therein and by the Netherland Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of

- 4 -

written notification, addressed to the Netherland Government and accompanied by the instrument of ratification.

A duly certified copy of the proces-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be immediately sent by the Netherland Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph the said Government shall at the same time inform them of the date on which it received the notification.

Article 6

Non-Signatory Powers may adhere to the present Convention. The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

Article 7

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications,

- 5 -

- 5 -

sixty days after the date of the procès - verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherland Government.

Article 8

In the event of one of the Contracting Powers wishing to denounce the present Convention, the denunciation shall be notified in writing to the Netherland Government, which shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying power, and one year after the notification has reached the Netherland Government.

Article 9

A register kept by the Netherland Ministry for Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 5, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article VI, paragraph 2) or of denunciation (Article VIII, paragraph 1) were received.

Each Contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

- 6 -

Annex to the Convention

REGULATIONS RESPECTING THE LAWS AND CUSTOMS OF WAR ON LAND

Section I

On Belligerents.

Chapter I.

The Qualifications of Belligerents.

Article 1.

The laws, rights, and duties of war apply not only to armies, but also to militia and volunteer corps fulfilling the following conditions:

1. To be commanded by a person responsible for his subordinates;
2. To have a fixed distinctive emblem recognizable at a distance;
3. To carry arms openly; and
4. To conduct their operations in accordance with the laws and customs of war.

In countries where militia or volunteer corps constitute the army, or form part of it, they are included under the denomination "army".

Article 2

The inhabitants of a territory which has not been occupied, who, on the approach of the enemy, spontaneously take up arms to resist the invading troops without having had time to organize themselves in accordance with Article 1, shall be regarded as belligerents if they carry arms openly and if they respect the laws and customs of war.

- 7 -

Article 3

The armed forces of the belligerent parties may consist of combatants and noncombatants. In the case of capture by the enemy, both have a right to be treated as prisoners of war.

Chapter II

Prisoners of War.

Article 4

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them.

They must be humanely treated.

All their personal belongings, except arms, horses, and military papers, remain their property.

Article 5

Prisoners of war may be interned in a town, fortress, camp, or other place, and bound not to go beyond certain fixed limits; but they cannot be confined except as an indispensable measure of safety and only while the circumstances which necessitate the measure continue to exist.

Article 6

The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war.

Prisoners may be authorized to work for the public service, for private persons, or on their own account.

- 8 -

Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed.

When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities.

The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.

Article 7

The Government into whose hands prisoners of war have fallen is charged with their maintenance.

In the absence of a special agreement between the belligerents, prisoners of war shall be treated as regards board, lodging, and clothing on the same footing as the troops of the Government who captured them.

Article 8

Prisoners of war shall be subject to the laws, regulations, and orders in force in the army of the State in whose power they are. Any act of insubordination justifies the adoption towards them of such measures of severity as may be considered necessary.

Escaped prisoners who are retaken before being able to rejoin their own army or before leaving the territory occupied by the army which captured them are liable to disciplinary punishment.

- 9 -

- 136 -

Prisoners who, after succeeding in escaping, are again taken prisoners, are not liable to any punishment on account of the previous flight.

Article 9.

Every prisoner of war is bound to give, if he is questioned on the subject, his true name and rank, and if he infringes this rule, he is liable to have the advantages given to prisoners of his class curtailed.

Article 10.

Prisoners of war may be set at liberty on parole if the laws of their country allow, and, in such cases, they are bound on their personal honour, scrupulously to fulfil, both towards their own Government and the Government by whom they were made prisoners, the engagements they have contracted.

In such cases their own Government is bound neither to require of nor accept from them any service incompatible with the parole given.

Article 11.

A prisoner of war can not be compelled to accept his liberty on parole; similarly the hostile Government is not obliged to accede to the request of the prisoner to be set at liberty on parole.

Article 12.

Prisoners of war liberated on parole and recaptured bearing arms against the Government to whom they had pledged their honour,

- 137 -

or against the allies of that Government, forfeit their right to be treated as prisoners of war, and can be brought before the Courts.

Article 13.

Individuals who follow an army without directly belonging to it, such as newspaper correspondents and reporters, sutlers and contractors, who fall into the enemy's hands and whom the latter thinks expedient to detain, are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the army which they were accompanying.

Article 14.

An inquiry office for prisoners of war is instituted on the commencement of hostilities in each of the belligerent States, and, when necessary, in neutral countries which have received belligerents in their territory. It is the function of this office to reply to all inquiries about the prisoners. It receives from the various services concerned full information respecting internments and transfers, releases on parole, exchanges, escapes, admissions into hospital, deaths, as well as other information necessary to enable it to make out and keep up to date an individual return for each prisoner of war. The office must state in this return the regimental number, name and surname, age, place of origin, rank, unit, wounds, date

- 11 -

and place of capture, internment, wounding, and death, as well as any observations of a special character. The individual return shall be sent to the Government of the other belligerent after the conclusion of peace.

It is likewise the function of the inquiry office to receive and collect all objects of personal use, valuables, letters, &c., found on the field of battle or left by prisoners who have been released on parole, or exchanged, or who have escaped, or died in hospitals or ambulances, and to forward them to those concerned.

Article 15.

Relief societies for prisoners of war, which are properly constituted in accordance with the laws of their country and with the object of serving as the channel for charitable effort shall receive from the belligerents, for themselves and their duly accredited agents every facility for the efficient performance of their humane task within the bounds imposed by military necessities and administrative regulations. Agents of these societies may be admitted to the places of internment for the purpose of distributing relief, as also to the halting places of repatriated prisoners, if furnished with a personal permit by military authorities, and on giving an

- 12 -

- 12 -

undertaking in writing to comply with all measures of order and police which the latter may issue.

Article 16

Inquiry offices enjoy the privilege of free postage. Letters, money orders, and valuables, as well as parcels by post, intended for prisoners of war, or dispatched by them, shall be exempt from all postal duties in the countries of origin and destination, as well as in the countries they pass through.

Presents and relief in kind for prisoners of war shall be admitted free of all import or other duties, as well as of payments for carriage by the State railways.

Article 17

Officers taken prisoners shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.

Article 18

Prisoners of war shall enjoy complete liberty in the exercise of their religion, including attendance at the services of whatever Church they may belong to, on the sole condition that they comply with the measures of order and police issued by the military authorities.

Article 19.

The wills of prisoners of war are received or drawn up in

- 13 -

- 140 -

the same way as for soldiers of the national army.

The same rules shall be observed regarding death certificates as well as for the burial of prisoners of war, due regard being paid to their grade and rank.

Article 20.

After the conclusion of peace, the repatriation of prisoners of war shall be carried out as quickly as possible.

Chapter III

The Sick and Wounded.

Article 21

The obligations of belligerents with regard to the sick and wounded are governed by the Geneva Convention.

Section II.

Hostilities.

Chapter I.

Means of Injuring the Enemy, Sieges, and Bombardments.

Article 22.

The rights of belligerents to adopt means of injuring the enemy is not unlimited.

Article 23.

In addition to the prohibitions provided by special Conventions, it is especially forbidden --

- a. To employ poison or poisoned weapons;
- b. To kill or wound treacherously individuals belonging to the hostile nation or army.
- c. To kill or wound an enemy who, having laid down his arms, or having no longer means of defence, has surrendered at discretion;
- d. To declare that no quarter will be given;
- e. To employ arms, projectiles, or material calculated to cause unnecessary suffering;
- f. To make improper use of a flag of truce, of the national flag, or of the military insignia and uniform of the enemy, as well as the distinctive badges of the Geneva Convention;
- g. To destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war;
- h. To declare abolished, suspended, or inadmissible in a Court of law the rights and actions of the nationals of the hostile party.

A belligerent is likewise forbidden to compel the nationals of the hostile party to

- 15 -

- 142 -

take part in the operations of war directed against their own country, even if they were in the belligerent's service before the commencement of the war.

Article 24.

Ruses of war and the employment of measures necessary for obtaining information about the enemy and the country are considered permissible.

Article 25.

The attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended is prohibited.

Article 26.

The officer in command of an attacking force must, before commencing a bombardment, except in cases of assault, do all in his power to warn the authorities.

Article 27.

In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments, hospitals, and places where the sick and wounded are collected, provided they are not being used at the time for military purposes.

It is the duty of the besieged to indicate the presence of such

- 16 -

- 143 -

buildings or places by distinctive and visible signs, which shall be notified to the enemy beforehand.

Article 28.

The pillage of a town or place, even when taken by assault, is prohibited. Chapter II Spies.

Article 29.

A person can only be considered a spy when, acting clandestinely or on false pretences, he obtains or endeavours to obtain information in the zone of operations of a belligerent with the intention of communicating it to the hostile party.

Thus, soldiers not wearing a disguise who have penetrated into the zone of operations of the hostile army, for the purpose of obtaining information, are not considered spies. Similarly, the following are not considered spies: Soldiers and civilians, carrying out their mission openly, entrusted with the delivery of despatches intended either for their own army or for the enemy's army. To this class belong likewise persons sent in balloons for the purpose of carrying despatches and, generally, of maintaining communications between the different parts of an army or a territory.

- 18 -

- 144 -

Article 30

A spy taken in the act shall not be punished without previous trial.

Article 31.

A spy who, after rejoining the army to which he belongs, is subsequently captured by the enemy, is treated as a prisoner of war, and incurs no responsibility for his previous acts of espionage.

Chapter III

Flags of Truce

Article 32.

A person is regarded as bearing a flag of truce who has been authorized by one of the belligerents to enter into communication with the other, and who advances bearing a white flag. He has a right to inviolability, as well as the trumpeter, bugler or drummer, flag bearer and interpreter who may accompany him.

Article 33.

The commander to whom a flag of truce is sent is not in all cases obliged to receive it.

He may take all the necessary steps to prevent the envoy taking advantage of his mission to obtain information.

In case of abuse, he has the right to detain the envoy temporarily.

- 18 -

- 145 -

Article 34.

The envoy loses his rights of inviolability if it is proved in a clear and incontestable manner that he has taken advantage of his privileged position to provoke or commit an act of treachery.

Chapter IV.

Capitulations.

Article 35.

Capitulations agreed upon between the contracting parties must take into account the rules of military honour.

Once settled, they must be scrupulously observed by both parties.

Chapter V.

Armistices.

Article 36.

An armistice suspends military operations by mutual agreement between the belligerent parties. If its duration is not defined, the belligerent parties may resume operations at any time, provided always that the enemy is warned within the time agreed upon, in accordance with the terms of the armistice.

Article 37.

An armistice may be general or local. The first suspends the military operations of the belligerent States everywhere; the second only between certain fractions of the belligerent armies and within a fixed radius.

Article 38.

An armistice must be notified officially and in good time to the competent authorities and to the troops. Hostilities are suspended immediately after the notification, or on the date fixed.

Article 39.

It rests with the contracting parties to settle, in the terms of the armistice, what communications may be held in the theatre of war with the inhabitants and between the inhabitants of one belligerent State and those of the other.

Article 40.

Any serious violation of the armistice by one of the parties gives the other party the right of denouncing it, and even, in cases of urgency, of recommencing hostilities immediately.

Article 41.

A violation of the terms of the armistice by private persons acting on their own initiative only entitles the injured party to demand the punishment of the offenders or, if necessary, compensation for the losses sustained.

Section III

Military Authority over the territory
of the Hostile State.

Article 42.

Territory is considered occupied when it is actually placed under the authority of the hostile army.

The occupation extends only to the territory where such authority has been established and can be exercised.

Article 43.

The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.

Article 44.

A belligerent is forbidden to force the inhabitants of territory occupied by it to furnish information about the army of the other belligerent, or about its means of defence.

Article 45.

It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.

Article 46.

Family honour and rights, the lives of persons, and private property, as well as religious convictions and

- 148 -

practices, must be respected.

Private property cannot be confiscated.

Article 47.

Pillage is formally forbidden.

Article 48.

If, in the territory occupied, the occupant collects the taxes, dues, and tolls imposed for the benefit of the State, he shall do so, as far as is possible in accordance with the rules of assessment and incidence in force, and shall in consequence be bound to defray the expenses of the administration of the occupied territory to the same extent as the legitimate Government was so bound.

Article 49.

If, in addition to the taxes mentioned in the above Article, the occupant levies other money contributions in the occupied territory, this shall only be for the needs of the army or of the administration of the territory in question.

Article 50.

No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.

Article 51

No contribution shall be collected except under a written order, and on the responsibility of a commander-in-chief.

The collection of the said contribution shall only be effected as far as possible in accordance with the rules of assessment and incidence of the taxes in force.

For every contribution a receipt shall be given to the contributor.

Article 52.

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country, and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

Article 53.

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and generally, all movable property

-150 -

belonging to the State which may be used for military operations.

All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

Article 54.

Submarine cables connecting an occupied territory with a neutral territory shall not be seized or destroyed except in the case of absolute necessity. They must likewise be restored and compensation fixed when peace is made.

Article 55.

The occupying State shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

Article 56.

The property of municipalities, that of institutions dedicated to religion,

- 151 -

charity and education, the arts and sciences, even when State property, shall be treated as private property.

All seizure of, destruction or wilful damage done to institutions of this character, historic monuments, works of arts and science, is forbidden, and should be made the subject of legal proceedings.

Exh. No.

I, Dr. Walter Siemers, attorney in Hamburg, at this time defense counsel at the American Military Tribunal in Nuernberghereby certify that the enclosed document

The Atlantic Charter
of 14 August 1941

has been copied literally from the book;

STATUTES OF THE UNITED NATIONS
with appendix: Text of the Kellogg Pact and of the
Atlantic Charter

Edited by Karl L. Schmidt

1947

Bollwerk Verlag Karl Drott Offenbach/Main

Nuremberg 18 March 1948

(Dr. Siemers)

Excerpt from:

Statutes
of the United Nations

with appendix: Text of the Kellogg Pact and of the
Atlantic Charter

Edited by Karl L. Schmidt
1947

Bollwerk Verlag Karl Drott Offenbach/Main

The Atlantic-Charter.

The President of the United States of America and the Prime Minister, Mr. CHURCHILL, representing his Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

- 1.) Their countries seek no aggrandizement, territorial or other.
- 2.) They desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned.
- 3.) They respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.

4.) They will endeavor, with due respect for their existing obligations, to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the Trade and to the raw materials of the world which are needed for their economic prosperity.

5.) They desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labor standards, economic advancement and social security.

6.) After the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance to all the men in all the lands may live in freedom from fear and want.

7.) Such a peace should enable all men to traverse the high seas and oceans without hindrance.

8.) They believe that all of the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

August 14, 1941.

Franklin D. ROOSEVELT.

Winston S. CHURCHILL.

The Atlantic Charta

The President of the United States of America and the Prime Minister, Mr. Churchill, representing his Majesty's Government in the United Kingdom, being met together, deem it right to make known certain common principles in the national policies of their respective countries on which they base their hopes for a better future for the world.

1. Their countries seek no aggrandizement, territorial or other.
2. They desire to see no territorial changes that do not accord with the freely expressed wishes of the peoples concerned.
3. They respect the right of all peoples to choose the form of government under which they will live; and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them.
4. They will endeavor, with due respect for their existing obligations to further the enjoyment by all States, great or small, victor or vanquished, of access, on equal terms, to the trade and to the raw materials of the world which are needed for their economic prosperity.
5. They desire to bring about the fullest collaboration between all nations in the economic field with the object of securing for all improved labor standards.

economic advancement and social security.

3. After the final destruction of the Nazi tyranny, they hope to see established a peace which will afford to all nations the means of dwelling in safety within their own boundaries, and which will afford assurance to all the men in all the lands, may live in freedom from fear and want.
7. Such a peace should enable all men to traverse the high seas and oceans without hindrance.
8. They believe that all of the nations of the world, for realistic as well as spiritual reasons, must come to the abandonment of the use of force. Since no future peace can be maintained if land, sea or air armaments continue to be employed by nations which threaten, or may threaten, aggression outside of their frontiers, they believe, pending the establishment of a wider and permanent system of general security, that the disarmament of such nations is essential. They will likewise aid and encourage all other practicable measures which will lighten for peace-loving peoples the crushing burden of armaments.

August 14, 1941.

Franklin D. Roosevelt.

Winston S. Churchill.

DOCUMENT BOOK 6 SCHNITZLER
SCHNITZLER-DOCUMENT No. 101

Wiss (Flick) Doc.No. 1167
Exh. - No.

I, Dr. Walter Siemers, attorney in Hamburg, at this time defense counsel at the American Military Tribunal, hereby certify that the enclosed copy literally corresponds to the excerpt from

Gazette
of the Control Council in Germany
Number 3
31 January 1946
Law No. 10
Article II

The underscoring was done by the defense .

Nuremberg 2 January 1948

(Dr. Siemers)

Weiss (Flick) Doc.No. 1167
Exh. No.

Excerpt from
Gazette

of the Control Council in Germany
Number 3

31 January 1946

Law No. 10

Punishment of Persons Guilty of War
Crimes against Peace and against Humanity.

Article II.

1.) Each of the following acts is recognized as a
crime:

- (a) Crimes against Peace. Initiations of invasions of other countries and wars of aggression in violation of international laws and treaties, including but not limited to planning, preparation, initiation or waging a war of aggression, or a war of violation of international treaties, agreements or assurances, or participation in a common plan or conspiracy for the accomplishment of any of the foregoing.
- (b) War Crimes. Atrocities or offenses against persons or property constituting violations of the laws or customs of war, including but not limited to murder, ill treatment or deportation to slave labour or for any other purpose, of civilian population from occupied territory, murder or ill treatment of prisoners of war or persons on the seas, killing of hostages, plunder of public or private property, wanton destruction of cities, towns or villages or devastation not justified by military necessity.

Weiss (Flick)Doc.No. 1167

I, Dr. Walter Siemers, attorney in Hamburg, at this time defense counsel at the American Military Tribunal in Nuremberg, certify that the enclosed document:

Expert legal opinion by Professor Dr. Herbert KRAUS concerning criminal responsibility of private persons in cases of breaches of International Law has been copied literally. The document was submitted in Case V (Flick Trial) to the Military Tribunal IV as Weiss Document No. 1003 and accepted by the Military Tribunal as Exhibit No. 1.

Nuremberg, 3. March 1948.

Signed: (Dr. Siemers)

Counsel's opinion

on the criminal responsibility of
private persons concerning
breach of International Law

given by

Dr. jur. Herbert KRAUS

Professor of Law

member of l' Institut de Droit

International

- 1 -

On the criminal responsibility of private persons
concerning breach of international law.

Introduction.

Compared with the other trials of war criminals so far held in Nuernberg, one of the peculiarities in the proceedings of the fifth trial before the American Military Tribunal against Flick and others is that, for the first time in this case, it is not former high German national or Party organizations who are charged with being guilty of a breach of international law, but six private persons.

a. In discussing this question, one must proceed from the following fact, a fact explained in more detail for another reason in the present trial (compare my expert opinion on the question of culpability for inhumanities committed before the outbreak of the war against Poland, figure IV): The zonal military tribunals - just as the International Military Tribunal had to do - have to judge according to International Law, i.e. exclusively according to International Law, and not according to National Law as well, be it according to American or the German penal law or according to the law of that nation on the territory of which the incriminating act was committed.

It is legally unimportant for the judging tribunal of this case if, in contrast to this and using it as a legal basis for its various counts of indictment, the prosecution also refers to the internal laws of that state on the territory of which the incriminating act was committed in addition to the Hague Convention on Land Warfare, the Geneva Convention of 1929 on Prisoners-of-War and Law No. 10, and the general principles of the penal law resulting from the penal laws of all civilized

- 2 -

nations, and incidentally refrains from mentioning the customary international law,

b. As far as the general principles of justice are concerned to which the prosecution all along the line referred to for a foundation of its charge - evidently prompted by Article 38 of the statute of the UNO-Tribunal, the successor to Article 38 of the Hague International Tribunal - attention is to be drawn to the fact that by doing so it has given this article an extended interpretation which is not admissible.

Even if the opinion is not shared seeing in the generally recognized principles of justice simply international customary law of a general kind, it can surely always be only a question of general rules. It concerns regulations like: pacts sunt servanda, no punishment without guilt, prohibition of discrimination, prohibition of analogy in penal matters, nulla poena sine lege, nullum crimen sine lege, in dubio pro reo, agreements are to be interpreted in good faith, competent actions of national organizations are the responsibility of the state, not of the performing agent; no state has the right to exercise jurisdiction over another state; lex posterior derogat priori; the impossibility of expecting a person to do otherwise, as well as necessity, is a reason for the preclusion of guilt, etc. But to construe international law, with the help of the conception of general principle of law, as being an entire code of penal law gained by comparison of laws of modern national criminal codes

- 3 -

in order to supplement and to prove its identity with Law No. 10, means a procedure which no longer has anything to do with the application of general principles of justice. It constitutes rather the attempt of a plain analogy which is in contradiction to the prohibition of analogy in penal law - which is a real general principle of law-. If this method were to be extended to other spheres of law like i.e. civil law, commercial law and laws relating to cheques and bills of exchange etc., we would all at once have the international law of commerce, of bills of exchange, of marriage, of inheritance, of contracts and the like.

Now the problem of international penal law is not so simple for individual persons.

c. There is still another point to be briefly clarified: For the special military tribunals - as it was the case for the International Military Tribunal - the legal principle of decision is only international law which is valid, i.e. such international law which was in force at the time the act was committed. The principle *nulla poena sine lege* - this also is discussed in detail in figure III of the counsel's opinion just mentioned - is one of the supporting pillars of contemporary interpretation of penal law, also in the field of international law. As a fundamental rule of law it is indisputable, compulsory in relation to Law No. 10 which as a particular law, has not the force to amend effectively cogent common international

- 38 -

- 4 -

law, Supplementary to my counsel's opinion just mentioned, it is to be kept in mind that the respect-commanding constitution of the United States of 1787 contains the provision:

"No bill of attainder or ex post facto law shall be passed".

d. Principles of decision furthermore are only legal maxims but not also moral claims, unless they are included in the order of law expressly by a legal maxim or by customary law.

Morals, or, expressed more precisely, contemporary ethics form one of the main motivating forces for the origin and development of all laws; especially the international martial law has its origin in three large sources of power: national ego-centricity, war emergency and ethics.

But, and this may be called a communis opinio, justice and ethics are not identical, law and morals are not the same; there is an immoral law and there are lawless moral claims not protected by and included in law. This is also the case in the sphere of international law and especially in the sphere of international martial law. Here we find side by side, partly in the most acute discord, the most immoral sentences standing next to such of noble humanity.

However, as far as moral conceptions are concerned, it is deplorable that we meet here

- 39 -

- 5 -

with an increasing chaos. In this respect may I not refer to my study under the heading "Thoughts on national ethics in international intercourse" appearing in "Notes of the Association of Königsberg Scholars" in 1925. On pages 75 ff. there are the following sentences:

"In the order of rank of the various impulses governing international intercourse the principles of actions differ from each other in part to a great extent and we find only too often that the moral causes are listed last and play a substitute role. (Principle of subsidization of ethics in international intercourse).

In too many cases moral arguments have to serve as a justification if no "better" reasons exist. And, only too frequently, the moral indignation is the expression used for lack of material reasons of attacking.

These facts also become evident when speaking of "simple" or of "at least" or "only" moral duties, claims, responsibilities, of "at least moral sanctions" and the like, in order to express that there is no legitimate title for the case in question.

Especially now, not everything that presents itself in a moral cloak or pretends to be of a "moral character", is actually the expression or even an equivalent expression of moral consciousness.

- 6 -

There is no sphere in which dishonesty, ethical lip-service, false pathos, rhetoric, cant and similar are more at home than in the domain of present-day international relations.

And nowhere else are the slogan and the phrase, these two manifestations of lack of principle and want of clarity, as predominant.

With particular reference to pathos, it is a fact, as displeasing as it is well-known, that the higher the moral pathos in matters of foreign policy, the smaller often the probability that this pathos is really the expression of moral conviction.

However, on the other hand, this is not meant to convey that wherever such dishonesties appear there is a lack of ethical understanding. At least some of the cases are simply the attempt to furnish a moral cloak either for lacking morality or for an individual undertaking which is felt to be immoral."

See also the following remark on page 11 of my publication, issued in 1933, under the title: "Die Krise des zwischenstaatlichen Denkens" ("The Crisis in International Trend of Thought"):

"To the extent that a process of moral integration is to be ascertained in the international sphere, it seems that the recently effected approach of international morality towards private morality is again disappearing, and the characteristics of this state morality, its changeability, state egotism,

- 41 -

- 7 -

sovereignty, hypocrisy etc. are coming to the fore more strongly. The same applies to its national limitation, which, of late, is endeavouring to expand from the nation, in the political sense, to the racial unit, to the extent that the idea of racialism develops in the moral sphere too, not only in that of politics and law."

Today, such a line of distinction would have to be drawn more sharply. First of all, the question would have to be asked whether the course of ethical development, if ascertainable at all, is in the direction of progress or decay. In connection herewith, the following sentences are instructive, which are taken from an article of the former American Secretary of State Henry L. STIMSON, published in January 1947, in the American periodical Foreign Affairs, under the title: "The Nuremberg Trial Landmark of Law", (page 189):

"A fair scrutiny of the last two World Wars makes clear the steady intensification in the inhumanity of the weapons and methods employed by both the aggressors and the victors. In order to defeat Japanese aggression, we were forced, as Admiral NIMITZ has stated, to employ a technique of unrestricted submarine warfare not unlike that which 25 years ago was the proximate cause of our entry into World War I. In the use of strategic air power, the Allies took the lives of hundreds of thousands of civilians in Germany, and in Japan the destruction of civilian life wreaked by our B-29s, even before the final blow of the atomic bombs, was at least proportionately great. It is

- 42 -

- 8 -

true that our use of this destructive power, particularly of the atomic bomb, was for the purpose of winning a quick victory over aggressors, so as to minimize the loss of life, not only of our troops but of the civilian populations of our enemies as well, and that this purpose in the case of Japan was clearly effected. But even so, we as well as our enemies have contributed the proof that the central moral problem is war and not its methods, and that a continuance of war will in all probability end with the destruction of our civilization."

- 43 -

- 9 -

It is a vain undertaking to attempt to deduce from this labyrinth of moral considerations a clue as to what is legally permissible and what is prohibited in warfare.

A reliable judgment in this respect can actually only be obtained by knowledge of law.

I am in agreement with Justice JACKSON who is of the opinion that International Law and morality are to be distinguished one from the other. In his opening statement before the International Military Tribunal he spoke as follows:

(Transcript of session, official German issue, volume II, page 171):

"There was a time, namely the time of World War I, when it would not have been possible to state that it would be a crime before the law to promote war or to wage war, however abominable it may be in the moral sphere."

In connection herewith, the statements deserve quoting, which were contained in the opinion on the sentence of the International Military Tribunal,

- 44 -

- 10 -

that inhumanities perpetrated before the outbreak of World War II are not punishable under International Law.

(Transcript of session, official German issue, volume I, page 285):

"The Tribunal is of the opinion that, however revolting and horrible many of these crimes were, it has nevertheless not been adequately proved that they were committed in the waging of a war of aggression or in connection with such a crime. The Tribunal, therefore, cannot make a general statement to the effect that acts committed before 1939 were crimes against humanity in the sense of the Charter."

Part I.

If we now turn to the question as to whether, and under what legal conditions, private persons may be held accountable under criminal law in accordance with prevailing International Law, the following must first of all be ascertained: In the undecided theoretical dispute of opinions, waged under the pretenses of dualistic or monistic construction of the relationship between International Law and State Law, both the Charter of the International Military Tribunal as well as Law No. 10 are based on the monistic principle, that is the principle affirming the unity of both spheres of law. At the same time, they affirm the so-called primacy of International Law, i.e. the superordination of International Law over State Law,

- 11 -

at least to the extent that state agencies and party agencies respectively are involved.

Accordingly, in the two trials, concluded to date, against the major war criminals and against former Field Marshal MILCH, a number of former leading German states and Party officials were convicted of the charge of having violated International Law as persons directly responsible under International Law, whereas other defendants before the International Military Tribunal were acquitted for lack of evidence pointing to such violation of duty.

These cases, however, did not deal with private persons, but dealt exclusively with former high German State and Party officials, who were appointed to function as representatives of the State in forming and carrying out the will of the German State.

Under the circumstances, the two trial courts had no reason to treat the fundamental question as to whether the Charter and Law No. 10 respectively apply to private persons too.

However, the International Military Tribunal has made the following statement, noteworthy in this connection, in order to justify the fact that according to Article 7 of the Charter the official function of a defendant may not be recognized as a reason for precluding punishment under criminal law (German official issue, volume I, page 249):

"Whoever violates the law of war, may not claim exemption from punishment

- 12 -

on the grounds that he acted on the basis of the sovereignty of the State, if the State sanctions actions which lie outside the framework of International Law."

As far as the Prosecution is concerned, it was obviously guided by the following opinion and accepted it as a matter of course: The function of an executive State or Party official is a pre-requisite for punishment being permissible on the charge of violation of International Law. Three examples may be cited in connection herewith:

In his opening statement (Anklagerede) on the morning of 17 January 1946, the French Chief Prosecutor de MENTHON spoke the following impressive words:

"The individual responsibility of all those who perpetrated acts of violence cannot reasonably be deduced from what has been said before. It is clear that in a State, organized on up-to-date principles, responsibility is restricted to those who act directly for the State, because they alone are in a position to judge the legality of orders given. They alone can and should be prosecuted."

Shortly before that, he had already stated the following:

"In view of the fact that German war criminality as it existed before outbreak of hostilities, represents a systematic policy of planning and preparing for war and was practised without interruption from 1940 to 1945, it forms the foundation for the responsibility of all defendants, of the political and of the military leaders, of the high functionaries of National Socialist

Germany and of the Fuehrer of the Nazi Party."

The introductory speech of the American Prosecutor against the defendant FRITZSCHE, on the morning of 23 January 1946 contains the following statement:

FRITZSCHE is on the defendants' dock not as a free man, but as an efficient and proven Nazi propagandist, who contributed substantially to the Nazis in their work of laying the German people in ever closer fetters."

On the morning of 21 January 1947, the French Prosecutor said the following in his statements on the spoliation of occupied territories:

"These inhuman actions therefore doubtlessly represent war crimes, which fall under the jurisdiction of the International Military Tribunal, in as much as the leading personages of the Reich are concerned."

Both Article II 4 b of Law No. 10 and Article 8 of the Charter likewise point to the correctness of the point of view taken here; it says there that the order of a superior does not exempt from responsibility under criminal law. However, it does not speak there, in a general way, of all orders addressed to subjects. However, only such persons receive orders from superiors, who are in a specific relation of subordination to the State or to some other representative of public authority, particularly officials and members of the Wehrmacht, that is to say only to State officials. Only such people have superiors

- 14 -

and receive orders from superiors, but not the free subject. Reference must also be made in this connection to Article II, 2f, of Law No. 10. According to this law, also such persons, among others, may be considered as being participants in crimes against peace, who held high positions, for example in the industrial life of Germany. This provision, therefore, refers only to breach of peace.

For the domain of the Hague Convention respecting War on Land, it may be deduced from the preceding Fourth Hague Convention of 1907 that the provisions of this Regulation are destined to regulate solely the conduct of members of the armed forces, but not that of private persons.

Article 1 reads:

"The contracting powers will issue instructions to their land armies, which will correspond to the Regulation on Laws and Customs of War on Land attached to this Convention."

Article III also deserves mention in this connection. Here it even says explicitly that the belligerent as such is responsible for damages in the case of a violation of the Hague Convention on Land Warfare, -- therefore not even the member of the armed forces committing the act -- and that the belligerent, and not the member of his armed forces committing the act, is responsible for all actions committed by persons who are members of an armed force.

In connection herewith, particular reference must also be made to Article 56 of the Hague Convention on Land Warfare.

- 15 -

This regulation prohibits every confiscation, deliberate destruction or damaging of municipal property and institutes devoted to church services, welfare, education, art and science. In its final regulation it orders the punishment of such actions.

This instruction is clearly not directed against the perpetrator but against his State, which by means of this regulation of international law is called upon to punish the act in question according to the rules of its national laws.

Articles 4, 6, 8 and 12 of the Hague Rules for Land Warfare are also addressed to the enemy state and not to members of the Wehrmacht (Armed Forces), particularly not to private persons.

A similar conclusion can be drawn from the wording of the Geneva Convention for Prisoners-of-war of 1929. Compare Article 2, 4, 28; Article 28 states:

"The detaining power shall assume entire responsibility for the maintenance, care, treatment and payment of wages of prisoners-of-war working for the account of private persons."

According to this, the responsibility of those private persons who employ prisoners-of-war, for the treatment of the prisoners, is expressly precluded, and transferred to the detaining state (Nehmestaat).

The theory that the Hague Rules for Land Warfare are directed exclusively to the state and that this carries the responsibility for breaking these rules,

- 50 -

- 16 -

especially for crimes against prisoners-of-war, is supported by the statements made by the Russian Prosecutor Colonel POKROVSKY before the International Military Tribunal during the morning session on 13 February 1946.

Colonel POKROVSKY stated the following:

"The natural conclusion is drawn (from the Hague Rules for Land Warfare) that in cases of violation of these obligations, the responsibility for a crime against a prisoner-of-war and especially for systematic crimes directed against the dignity, person, health and life of prisoners-of-war must fall on the government of the country which has signed the Convention."

In this connection it is edifying to note, and it supports the theory represented here, that Hans KESLSEN, the principal of the so-called Vienna School, in spite of his monistic principles, does not draw the conclusions generally drawn from a statute such as Law No. 10, and this not even in the case of organs of the state, to say nothing of private persons. He is far more of the emphatic opinion that violations of international law by organs of the state must be laid to the charge of the state and not to that of the acting organ. A convention of international law which empowers a court of law to make individuals responsible for the actions of official bodies, sets up a standard of international law with a retroactive character. (compare California Law Review Vol. 31 1942, 1943, page 538):

- 51 -

"The legal meaning of the statement that an act is an act of State is that this act is to be imputed to the State, not to the individual who has performed the act. If an act performed by an individual - and all acts of State are performed by individuals - must be imputed to the State, the latter is responsible for this act; and that means, so far as general international law is concerned, that collective responsibility takes place, constituted by reprisals or war, the specific sanctions of international law. If an act is to be imputed to the State and is not to be imputed to the individual who has performed it, the individual, according to general international law, is not to be made responsible for this act by another State without the consent of the State whose act is concerned. As far as the relationship of the State to its own agents or subjects is concerned, national law comes into consideration. And in national law the same principle prevails: an individual is not responsible for his act if it is an act of State, i.e., if the act is not imputable to the individual but only to the State. The other State, injured by such an act, can, without violating international law, make only the State whose act constitutes the violation of international law responsible for the act and the injured State may resort to reprisals or war against the responsible State. But prosecution of an individual by courts of the injured State for an act which, according to international

- 18 -

law, is the act of another State, amounts to exercising jurisdiction over another State; and this is a violation of the rule of general international law that no State is subject to the jurisdiction of another State. Since the legal existence of a State manifests itself only in acts of individuals which, according to international law, are acts of State, the generally accepted rule that no State can claim jurisdiction over another State means that no State can claim civil or criminal jurisdiction over the act of another State."

German translation of the above quotation:

- 20 -

Furthermore, see also the following remark by KELSEN on page 543:

"An international treaty authorizing a court to punish individuals for acts they have performed as acts of State constitutes a norm of international criminal law with retroactive force: for the acts were at the moment when they were committed not crimes for which the individual perpetrators were responsible."

If, according to this view, those individuals involved in the formation and execution of state policy cannot be made responsible under the International Law in force for acts which they have committed against International Law in their capacity as organs of the state, or can only be made responsible if the general legal maxim "nullum crimen sine lege" is relinquished, then how much more must this apply to acts infringing international Law committed by private persons.

Even in the case of piracy, which KELSEN describes as being an exception, this view is correct. The pirate is not directly

- 55 -

- 21 -

subject to international law. He is punished according to the statutes of the law of the land. The rules of international law covering piracy establish only a wide basis for the authorization of states by international law to punish pirates, which punishment then follows according to national law. It is well known that the penal rules of national law have regularly failed to make full use of this restriction of international law.

The punishment of partisans for war treason is likewise carried out on the basis of the regulations of national law which are authorized by international law, but not directly according to international law.

The practice of the states hitherto confirms the correctness of the assumption that individuals as such, especially private persons, are not to be regarded as being directly subject to international law, but that on the contrary the dictates and prohibitions contained in international law only apply to them as a directive of national law if, and in so far as and as long as a national law has converted the international orders directed against such persons into a national dictate applicable to those people subject to it.

This is clearly the case with the Hague Regulations for Land Warfare. It is shown particularly in the wording of Article 1 of the fourth Hague Convention of 1907, which has been quoted above in another connection. Here the signatories are definitely placed under an obligation to issue rules of conduct to their land-armies, which are in accordance with the Hague Rules of Land Warfare appended to the fourth Convention.

To illustrate this, a sentence uttered by one of the highest legal authorities, the Hague International Court, may be repeated here, in its decision in the quarrel arising between Germany and Poland over Danzig, this Court declared the following in 1928:

"It may be readily admitted that, according to a well established principle of International Law, the Brantsonabkommen, being an international agreement, cannot as such create direct rights and obligations for private individuals." (Publ. Ser. B. No. 15 p. 17.)

The uselessness in practice of the theory of the preeminence of international law - at least when it is considered as providing a reason for private persons' liability to punishment for violating international law - becomes particularly clear when national law originating at a later date contradicts earlier international law.

This alternative is of particular importance in all war criminal proceedings against private persons, instituted under Law No. 10.

It is generally acknowledged that when disparities occur between domestic (original) national law and the international law introduced into a judge's rules of national law, the judge acting under national law is to apply not the prescribed

- 23 -

international law, but the contradictory national law originating at a later date. This is also the case where the maxims of national law contain great fundamental changes such as Article 4 of the Weimar Constitution or the unwritten law of English Common Law: "International Law is a part of the Law of the Land". Refer here to A. Hensel instead of others: "Die Rangordnung der Rechtsquellen" (Order of Precedence of Sources of Law) in the Manual of German National Law II, published by Anschuetz and Thoma (1932), page 325, and the further illustrations given there, especially Fleischmann in the Manual of German National Law I, page 222.

The decision reached by the Supreme Court of the U.S.A. in the case of Whitney v. Robertson 124 US (1888) 190, is of particular significance for the case being dealt with here; in this it states:

"By the Constitution a treaty is placed on the same footing, and made of like obligation, with an act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other. When the two relate to the same subject, the courts will always endeavor to construe them so as to give effect to both, if that can be done without violating the language of either; but if the two are inconsistent, the one last in date will control the other, provided always the stipulation of the treaty on the subject is self-executing. If the country with which the treaty is made is dissatisfied

- 58 -

- 24 -

with the action of the legislative department, it may present its complaint to the executive head of the Government and take such other measures as it may deem essential for the protection of its interests. The courts can afford no redress."

German translation of the above quotation:

- 59 -

- 25 -

The precedence of original American State-law before international law, especially international treaties - and to an unlimited extent - is, by the way, guaranteed by the Constitution of the United States of 1787. After the constitution has declared in Art. VI, 2: "all treaties made or which shall be made under the authority of the US shall be the supreme law of the land and the judges in every State shall be bound thereby", the constitution adds the important restriction: "anything in the constitution or Laws of any State to the contrary notwithstanding".

Accordingly the constitution or a law of any State can create State-law contrary to international law, which then, as far as domestic State organs are concerned, has precedence to international law.

Information on the British practice, which goes still further than the decision as quoted above of the Supreme Court of the United States and not only affirms the stronger power of the later established independent state law, is given by PICIOTTO:

- 26 -

The relations of International Law to the Law of England and of the United States (p. 125):

"An act of Parliament is binding certainly on ordinary Courts, and almost certainly on Courts of Priso, although it be in conflict with International Law. A treaty which affects the private rights of British subjects is not binding upon ordinary Courts without an act of Parliament; nor is any stipulation of a treaty which conflicts with existing statute law."

Reference may furthermore be made here to the very pointed remark made by Professor G.W. KEBLEN at the meeting of the Grotius Society in 1944, i.e. at a time when war crime trials were already planned and prepared (Transactions p. 22):

"Obviously in the first place, no English Court can accept or apply a rule of international law which conflicts with a British statute."

- 61 -

- 27 -

Compare further for ~~British~~ practice the decision of the Privy Council in the case of Chung Chi Cheung v. The King (1939) A.C. 160, 167.

"It must always be remembered that, so far, at any rate, as the Courts of this country are concerned, international law has no validity save in so far as its principles are accepted and adopted by our own domestic law. There is no external power that imposes its rules upon our own code of substantive law or procedure. The Courts acknowledge the existence of a body of rules which nations accept amongst themselves. On any judicial issue they seek to ascertain what the relevant rule is, and, having found it, they will treat it as incorporated into the domestic law, so far as it is not inconsistent with rules enacted by statutes or finally declared by their tribunals."

- 28 -

With regard to French practice, Professor Andre GROS made the following statement at the meeting of the Grotius Society in 1944 (Transactions of the Grotius Society, vol. 30, p. 40):

"For the French judge an international treaty is after all a legal source equivalent to the law. The treaty becomes part of the French Legislation but in the same way as a new law would. Thus, certain rules derive from the treaty, but the latter is considered to run concurrently with the law, and a later law can nullify it; in domestic law it is a source of the same order. Just as the French judge is not competent to judge the Constitution, so he is also not competent to judge as to the conformity of the new law with the international law. Once the treaty has been incorporated into French legislation, it loses its character of international nature and becomes a simple rule of French law."

- 63 -

- 29 -

A survey of international theory and practice therefore gives the following result which must be regarded as a recognized legal norm of civilized nations as well as a firm rule of international law: If there is a contradiction between international law and national law, then the judge in any particular country should not apply a rule of international law as incorporated in a national law but instead of this the contradictory national law enacted at a later date, despite, the fact that the application of the relevant national law constitutes a breach of international law.

The obvious consequence of this is that the judge who applies the national law which contradicts international law cannot be held responsible for such an application either under national or international law although he takes part in carrying out a

- 64 -

- 30 -

breach of international law.

This is the result of the fact that he is not concerned with international law qua international law, nor is he competent to give his verdict according to international law; his job is to obey the orders given by his legislative body.

If such is the position of an indigenous judge vis-à-vis international law, how much more must it be the case with private persons. Just as a judge, - and even more so than a judge, - so a private individual, cannot violate international law at all nor even make himself punishable by international law because international law does not affect him directly.

He must leave to his State the responsibility as to whether the national directive which he is ordered to fulfill is in accordance with international law and therefore can, or cannot, be justified.

The opposite interpretation would mean that eventually international law could make it the duty of any private individual to disobey the legal domestic law of his country and to oppose his own state. With such an interpretation the conception of the sovereignty of a state and its relation to its subjects would be completely altered. Such an interpretation supposes a world state which claims obedience from man as a citizen of the world even against the interests of his own, no longer sovereign, state.

In the case of a discrepancy between international law and domestic law, a private individual can, in effect, do nothing else but

obey the national directives, unless this private individual be prepared to risk the consequences and be punished by the penal power of his state. No international law can protect him against this. But only he may claim obedience who can protect the obedient one: *protogo ergo oblige*.

However, that which applies to the objective domestic law must also apply to the individual national regulations which are derived therefrom, e.g. verdicts, ordinances, police regulations and other prohibiting, permitting or authorizing administration acts addressed to the subject, such as expropriation, detention, other deprivations of liberty of a personal or economic nature, such as decrees concerning protection of labor, regulations of the administrative police, orders concerning production, prohibition and planning within the economic sphere. The same applies to executive participation therein, or participation by obedience.

III

Lastly we have to refer to the fact that a judge as well as a non-officiated civilian is bound by the political decision of his government, which relation is at its strongest when the state draws its sword from its sheath in order to place its own fate and that of its subjects at the mercy of those dark powers which we have hitherto called "luck of war" for want of a better word.

No long explanations are necessary with regard to this. It may suffice to refer to the already quoted speech by Professor G. W. KEETONS at the meeting of the Grotius Society in 1944 (Transactions, vol. 30, p. 22).

In enumerating the limitations in the application of international law by the national judges - after due exception of the so-called Acts of State - mention has been made of decisions of the executive in matters of policy as distinct from those Acts of State. This has been expressed in the following formula:

"and the fourth limitation arises from the fact that the Courts will necessarily have to rely upon decisions of the executive in matters of policy, though that is not a doctrine peculiar to the application of international law in English Courts."

A decision to this effect was made by the Supreme Court of the United States on 29 May 1931 in the case of Mackintosh*. This decision of which the text is not accessible to me, may be found printed in the Annual Digest of Public International Law Cases, published by Lauterpacht.

The point in question is a demand for United States' citizenship by Mackintosh, a Canadian Professor of Divinity living in the United States,

* Footnote: According to our information this alludes to Max Jutsch and not to Mackintosh.

- 33 -

with the proviso of signing the oath of allegiance with a reservation. This reservation referred to the right of deciding personally whether a war in which the United States might possibly engage was a just war or not; he could not bind himself to fight in a war deemed unjust by himself.

The Supreme Court of the United States decided that in spite of provisions made in United States' Law for the conscientious objector it is inadmissible for a citizen of the United States to refuse to lend moral or military aid to the State when, in his opinion, a certain war had no moral justification. He could therefore not reserve for himself the right to make a specific political decision.

What applies to the declaration of war must equally apply to decisions on the manner and method of conducting a war, both likewise essentially of a political nature.

Above statements - as also those following - would be of considerable importance also in the case of deliberating jointly with the Prosecution, Law No. 10 in the light of national German state-law.

Second Part.

IV

The first part of this opinion had lead to the conclusion that an individual cannot be made legally responsible for violation of international laws, the latter not being concerned with individuals.

- 34 -

A negation of such punishability must also be admitted in contemplating the problem subjectively.

2. According to generally acknowledged contemporary theory and practice the perpetrator's guilt is the prerequisite condition for any punishment.

In discussing the nature of jurisdiction the International Tribunal has expressed this conclusion in the following formula: (official German edition I, page 287):

"The exercise of jurisdiction is of a legal nature and does not permit of arbitrary measures; it must be rendered in accordance with acknowledged legal principles. One of the most important legal principles insists on personal guilt as being prerequisite for the establishment of a penal offence."

The International Military Tribunal's verdict has been founded on this comprehensive principle developed from the modern conception of criminal law. This appears to a marked degree in its refusal to accept the suggestion of conspiracy. Professor Dornediou de Vabres, the French Presiding Judge in this trial, has on this point given very instructive information in his wellknown report on the Nuernberg Trial which has been quoted, for the purpose of argumentation, by the Prosecution in its Opening Speech to Trial No. 5 (compare in detail with my opinion on the question of punishability for crimes committed against humanity previous to the outbreak

- 35 -

of the Polish war - III and the text of pertinent statements as an appendix to this opinion).

It is furthermore very clearly noticeable in the decision on the question of suppositions leading to the possible punishment of the member of an organization declared criminal on account of this membership. In opposition to the wording of the statute the Court decided that a person's membership could only be a punishable offence if he had knowledge of the criminal aims and acts of the organization. (Verdict, official edition I, page 288). For an interpretation of the criminal character of an organization must, as far as possible, be defined in a manner "guaranteeing that innocent people will not be punished."

To be personally guilty in the meaning of the criminal law calls for recognition of illegality as well as for the knowledge of the facts subject to penal law. The perpetrator must at the same time have acted with malicious intention or negligence.

b. Negligence is punishable only in such cases as are specifically provided for by the law. Neither statute nor law No. 10 contains any directive to this effect. Therefore, in the light of these two provisions, there can be no question of punishment for negligence but only for malicious intention.

That this is also the point of view of the Prosecution follows from the fact that it regularly accused each defendant of having committed these incriminating

- 70 -

- 36 -

acts "unlawfully, willfully and knowingly" (rechtswidrig, vorsätzlich und wissentlich). Comparison is here to be made with the indictment in Case V German edition page 9, 11, 14, 18.

C. If negligence is ruled out, a defendant's objection of not having been conscious of an illegality pertaining to his action cannot effectively be opposed by the charge of having been in duty bound to determine whether his chosen course of action was legal. His guilt would then consist at the very least, in the careless neglect of an incumbent duty, establishing an offence of default.

Besides, an attempt at such determination would have led him to innumerable doubts of a most difficult nature - and to controversial questions.

Formerly it was indicated that the state of contemporary international ethics appeared such as not to allow of even a general guidance by these ethics in what could be termed good or evil, especially during a war, in international relations.

A survey of the real conditions of international law at the present time, especially of international belligerent law, completes this picture and rounds it off. This condition, which must be called chaotic, may be characterized in the following terms: extremely vague and often obscure, therefore interspersed with uncertainties and controversial points of a practical as well as theoretic nature.

These theoretical controversial questions here are partly most involved, extending to the last roots of jurisprudential thinking as clearly shown here in connection with the momentous question of the relations between international and national law. - Current international rules are partly, to a marked degree, inapplicable to the realities of life originating, the outcome of a compromise, at diplomats' tables, partly outdated and no longer meeting the requirements of modern warfare. To this must in part be added national discrepancies in contemporary currents of thought, often of considerable importance. It is further most remarkable how, next to detailed regulations, some subjects are dealt with in a most defective manner. Next to aerial warfare this applies chiefly to economic warfare, here of special importance.

Finally it must be taken into consideration that, in a war, there is a very fine distinction not only between good and evil but also between legal and illegal. What passes for murder in time of peace becomes, during a war and also during an aggressive war, a military exploit justified by international law; the same applies to incendiarism, illegal detention, blackmail and so on. Formal errors, a forgotten threat, an order emanating, by mistake, from an incompetent authority and the like might change into serious war crimes what was really an action within the scope of international law.

In addition to this, belligerent international law is interspersed with, partly, very vague regulations allowing the agent, that is to say the person giving orders great latitude for individual interpretation of these regulations.

Thus, for instance, the much disputed article 23 g of the Hague rules for land-warfare prohibits the destruction or confiscation of enemy-property, adding, however, the limitation: "Except in cases where this destruction or confiscation is urgently required by the exigencies of war," - "When do the requirements of war urgently demand such actions? Who decides on the matter?"

Paragraph 2 of article 23 prohibits the forcing of adversaries to a participation in belligerent operations against their own country. What are belligerent operations in the light of this regulation?

Article 43 of the Hague rules of land-warfare lays down the occupant's obligation of restoring and maintaining public order and public activity as far as possible and to do this, in absence of any stringent obstacles, in accordance with national laws. Here the words "as far as possible" and "stringent obstacle" raise considerable doubts as to the limitations of the occupying power.

Elsewhere words like "possibility" and "possible" recur in the Hague rules for land-warfare giving great latitude to the occupying powers' measure of discretion, compare for instance Article 48, 51, 52.

In this connection attention must also be given to article 31 of the Geneva (Prisoners-of-war) Convention of 1929 where among other subjects prohibition is made of causing prisoners-of-war to perform work in direct relation to belligerent operations. Where is, here, the distinction between direct and indirect?

International jurisprudence, as far as I could ascertain, has up to now not taken up this question and a layman would in vain consult books of international law for its elucidation.

It might be said that international law in the past was consciously in existence among the legal sections of foreign offices and limited circles of experts but that the general public has been largely ignorant and unaware of it.

Consequently an obligation of those uninitiated in legal matters to obtain reliable information whether or not an action might be in keeping with international law presents in many cases an entirely hopeless and disconcerting undertaking. Here contemporary ethics can furnish only limited and general directives with regard to guidance in international relations, the same applying to a consciousness of what is legal or illegal, a consciousness which, within the scope of national domestic order, we demand from a subject, our whole modern doctrine of guilt finally resting on it.

It might be a valuable proposition to ascertain the confusion of thought and of legal conceptions among the general public in various populations with regard to the actions for which the defendants of trial Case No. V are being tried and to draw average conclusions from it.

That, for instance, may be the layman's conception of the limitations under international law

of the occupying power, what of the question when and to what extent requisitions are admissible, under what conditions this applies to reprisals and to services rendered by members of enemy-states?

In spite of conclusive directions pertaining to the Hague rules for land-warfare, the German Supreme Court in a resolution of 9 April 1925, text of which was not published, declared as legitimate the deportations from Belgium during the first world war. Consequently the proceedings against HINDENBURG for having given the order on 3 October 1916 for these deportations were suspended (compare reference in the official German publication: Findings by the Commissions of Inquiry of the Constituent National Assembly and of the German Reichstag, 3rd series, International Law in the world war, volume I, 1927 appendix 17).

In view of HINDENBURG's great popularity this decision is, today, still widely prevalent in Germany, having doubtlessly caused considerable confusion in the attitude to the question of deportation.

In my opinion, the sum total of such an investigation on conceptions of international law among the laity would, broadly, be the following: whatever my country orders or effects is justified by international law.

Much less will the subject begin to doubt the legality pertaining to the orders of his government imparted to him personally where this state of his and its government are

- 41 -

universally acknowledged by the generality of states continuously in legal and treaty relations with it.

Negligence in the penal sense can, in such a case, hardly be attributed to him who omitted to query whether his action was within the scope of international law.

V.

With above statements the essential has been said with regard to special considerations in deciding the question of malice aforethought. There remain two points:

a. A knowledge of pertinent prohibitive regulations is, in the general view, not necessary in order to be punishable under the charge of malice aforethought. The general conception suffices that the respective action is condemned under the legal order, prohibited by it and therefore illegal.

Illegality, however, must invariably suppose a definite legal system prohibiting a certain action. As long as there is no world-law in existence there can be no illegality per se but only an illegality in relation to a certain legal order. To become punishable the perpetrator would have to have been conscious of violating this and no other legal system. The conception of having infringed a legal order which he does not acknowledge as being binding for himself, - whether it objectively be so or not - is not sufficient

- 76 -

- 42 -

to establish punishability. "Whoever is not conscious of possible violation, by an individual, or international law has certainly not established, subjectively, the facts of a case pertaining to a crime under international law.

In this connection it is irrelevant whether the perpetrator violates an inhibition of national law, simultaneously covered by international law, in the conviction of offending against the respective national legal standard. Of importance for a condemnation under international law is, over and above this, whether he was conscious of an offence against international law or not.

The International Military Tribunal is also of the opinion that this recognition of having violated international law in particular is prerequisite for being punishable under the statute and Law No. 10. The following has been explained in the verdict: (Official German edition I: page 245):

"In view of the position occupied by the defendants in the government of Germany they, or at least some of them, were bound to know of the treaties signed by Germany in which war as the means of settling international disputes was declared illegal; they must have known that they were acting in defiance of international law, when, with complete aforethought, they carried out their intentions directed towards invasion and attack."

b. The second problem to be considered here is this:

The French Chief Prosecutor

- 77 -

De Menthon in his great opening speech on 17 January 1946 declared the following:

"The defendants knew their encroachments on the inviolability of the physical existence, of the property, and of the human life of enemy subjects to be crimes for which they would become answerable before an international justice.

The governments of the United Nations have repeatedly warned them since the outbreak of hostilities.".....- here follow a number of examples - "The elements for a just retribution are therefore here collected, when the defendants committed their crimes they knew of the United Nations' intention to bring about a punishment of these actions. The warnings imparted to the defendants represent the above-mentioned qualifications for the deed with regard to the punishment.

Besides, the defendants could not be in any doubt with regard to the punishable nature of their actions."

It should be deducted therefrom that, to become punishable according to the statute as, consequently, to Law No. 10 and to common international law the general conception is not sufficient of having violated international law but that there must be, moreover, the recognition of having committed an offence against a criminal regulation contained in prevalent international law and relevant to individuals.

VI.

With regard, moreover, to the assertion of the French Prosecutor de MENTON, as quoted above from his opening speech of 17 January 1946, that the defendants of the international trial must have been aware, without doubt, following the manifold warnings by the statesmen of the United Nations, that they had offended against International Law, it is possible that the leading authorities of the German State were alive to this. Private individuals, however, who did not belong to such high state circles, cannot be expected to have been aware that such warnings were addressed to the Government from abroad.

Owing to the fact that German public opinion was kept entirely ignorant of any unpleasant news from abroad and bearing in mind the systematic misleading of public opinion, the general public heard nothing of such warnings. The international military tribunal produced much evidence in this respect, particularly in the case against FRITZSCHE. These relative findings are binding on the American military courts under Article 10 of Ordinance No. 7.

The defendants must be proved to have been aware that their actions violated international law and, until this has been done beyond doubt, they cannot be condemned for culpable violation of international law, if viewed subjectively.

To recall the moving words which the American Military Tribunal at Nuernberg used in the second trial in its verdict against the former Field Marshal MILCH (page VIII etc. of the German special edition):

"It must be constantly borne in mind that this is an American Court of Justice, applying the ancient and fundamental concepts of Anglo-Saxon jurisprudence which have sunk their roots into the English common law and have been stoutly defended in the United States since its birth. One of the principal purposes of these trials is to inculcate into the thinking of the German people an appreciation of, and respect for, the principles of law which have become the backbone of the democratic process. We must bend every effort toward suggesting to the people of every nation that laws must be used for the protection of people and that every citizen shall forever have the right to a fair hearing before an impartial tribunal, before which all men stand equal. We must never falter in maintaining, by practice as well as by preachment, the sanctity of what we have come to know as due process of law, civil and criminal, municipal and international. If the level of civilization is to be raised throughout the world, this must be the first step. Any other road leads but to tyranny and chaos. This Tribunal, before all others, must

act in recognition of these self-evident principles. If it fails, its whole purpose is frustrated and this trial becomes a mockery. At the very foundation of these juridical concepts lie two important postulates:

- (1) Every person accused of crime is presumed to be innocent, and
- (2) that presumption abides with him until guilt has been established by proof beyond a reasonable doubt.

Unless the court which hears the proof is convinced of guilt to the point of moral certainty, the presumption of innocence must continue to protect the accused. If the facts as drawn from the evidence are equally consistent with guilt and innocence, they must be resolved on the side of innocence. Under American law neither life nor liberty is to be lightly taken away, and, unless at the conclusion of the proof there is an abiding conviction of guilt in the mind of the court which sits in judgment, the accused may not be damnified."

VII

This expert statement would be incomplete but for a final opinion on the question of the actions which are here under discussion and which are of special significance.

The question to be raised is whether cases may occur where obedience towards justice cannot be expected and whether, in such a situation, the impossibility of expecting obedience is considered grounds for exoneration.

The verdict of the International Military Tribunal laid down as legally binding (see Art. 10 of ordinance 7 of 18 October 1946) that the National Socialist regime, on finally establishing power, introduced in the state a system of terror and a "policy of fear" (verdict, official edition I page 285), a policy of annihilation of all potential opponents of its regime (Verdict, official edition I, page 261) by "prohibiting all hostile criticism, indeed, any criticism whatsoever, and imposing the severest punishment on whosoever engaged in such practice."

The verdict goes on to state that "an unbiased verdict, based on freedom of thought, has therefore become completely impossible" (German official edition, volume I, page 202).

The general situation in which the German citizen found himself during the epoch of the National Socialist regime of coercion is appropriately illustrated thereby. It shows in particular to what exceptional dangers a German subject exposed himself in case he resented the decrees issued by the State or the Party or offended against them. There actually was no need for a law concerning industrial sabotage or the so-called "treason to the people". On the contrary, the proceedings before the International Military Tribunal have shown that the NS-State,

in disregard of legal fundamentals took steps against all those who disagreed with its aims, especially in cases, where the law offered it no possibility to take action; in these cases the State applied coercion through the organs of the State Police and the ultimate result was the internment in a concentration camp. The proceedings before the International Military Tribunal and its verdict have also authoritatively established the fact that these measures became more and more extensive, merciless and dangerous for the individual, as the course of the war became increasingly disadvantageous for Germany. Only if one is familiar with the characteristics of a dictatorship which employs every means, even the most abject, one is able to understand that the individual German citizen - where he had no influence on the course of affairs - was deprived of the freedom to make his own decisions to such an extent that there was hardly any possibility left for free resolutions and activity (Be(s)tätigungen obviously misprint).

Such a freedom of decision, however, must be considered the necessary premise in cases where a person is to be made responsible for his conduct under penal law. If on the one hand the Statutes and the Law No. 10 state that whilst the fact of acting by order does not preclude the guiltiness, it may yet be considered as an extenuating circumstance, the International Military Tribunal on the other hand arrives at the important view that it is not essential, whether an order existed, but rather, whether

"a choice was possible that was in keeping with ethical principles" (Verdict, official edition Volume I, page 250).

"With this conclusion the International Military Tribunal acknowledged - as far as International Law is concerned - the same principle which forms part of the conceptions in continental Europe regarding penal law: the idea of "the impossibility to expect something of somebody as a cause for the proclusion of guilt" (Unzumutbarkeit als Schuldtausschliessungsgrund).

This generally recognized legal principle is lent authority by the International Military Tribunal in that it particularly exempted those members of criminal organizations from the liability to punishment "on whom the State had forced membership" (Verdict, official German edition I, page 288) - that is, whose entering was not voluntary.

In this connection the verdict set aside the possibility for members subsequently to leave the organization again - but at what price - a price that they could not be expected to pay.

The conception of the possibility of a person's acting without being liable to punishment, who could not have been expected to act otherwise under the particular circumstances of the case, is based on the fact that thinking in terms of penal law in the end is always individualizing thinking, which makes possible the adjusting to the manifold forms of manifestation and circumstances of every-day-life. The cause for the proclusion of guilt regarding the impossibility to expect something of somebody, gives the pronouncing judge "last chances" (MEZGER, Penal Law, page 374) to assess the guilt

of the perpetrator; this in fact is not merely a principle that is applied only as a makeshift, but a rule which the judge is bound to observe.

To observe this principle does not mean that it is to be applied arbitrarily and that one, thereby deviates from the positive law, it rather expresses "thoughts, which assess different values and compare them and, therefore, are creative thoughts" ("wertaabwagendes und damit schoepferisches Denken") (MEZGER in other places.).

As a matter of fact the impossibility to expect something of somebody has nothing to do with the so-called "case of emergency", the interpretation of which absolutely varies with the different legal systems; the latter is not to be under consideration in this connection. The impossibility to expect something of somebody rather represents a superordinated independent principle of the theory of the perpetrator's conception of guilt (subjektive Schuldlehre). If these viewpoints are applied in particular to the problems concerning the employment of foreign laborers and POWs in the war industry as are under consideration in Case No. V of the American Military Tribunal, the result is the following: Granted that the defendants had been positively and absolutely aware of (objektiv) the problems involved - from the viewpoint of penal law - and that they had assuredly acted in full consciousness of the unlawfulness of their action, there remains to be solved the very question, as to whether they could have been expected not to desist from the actions in question.

An answer to this problem can only be given after having considered the question as to what would have happened, if the defendants had in the circumstances concerned here refused to employ POWs

and foreign laborers in a manner which was not permissible from the viewpoint of International Law. When considering this, one has to take into account that the securing of labor under a regime existing in Germany at that time was not left to the respective industrial enterprises, but was effected by allocation through the official labor offices. The rate of allocation depended on the extent of orders on hand at the individual firm, which the latter had to complete. Therefore, had the industrialist not effected the impermissible employment of the foreign laborers and POWs allocated to him, this would - in view of the tremendous scarcity in German labor available and the efforts to which the economy had been committed - have resulted in a non-fulfilment of the production programs to which the industrialists were bound, and that for reasons, which rested with the entrepreneur himself. This, on the other hand would no doubt have caused the judges to consider as fulfilled the legal facts of a so-called "war economy crime", a conclusion which would have been due to the notoriously elastic judicial practice of interpretation. In this case the perpetrator would have had to reckon with the severest action being taken against him, not even excluding death penalty. That in addition the State was in a position to act without legal foundation, simply by way of coercion on the part of the police, goes without saying.

The question now is this; Can the industrialist under these circumstances in all fairness be expected to risk his own life and freedom as well as that of his family and the future of his enterprise and to oppose circumstances

which he had recognized as being unlawful? Such a dilemma would not have occurred in a well-governed state. Yet the dilemma is of a prominent significance in a state system where a dictatorship is built on unscrupulous terror.

It is certain that to solve this question one cannot take as a basis exaggerated moral principles and for instance say that every man is obliged to stand up against injustice even at the risk of his life.

Such a demand cannot be fulfilled in real life. One must rather lay down quite a natural standard taking care of the human side also. One will then arrive at the conclusion that even with a most careful weighing of the exceptional circumstances the persons concerned could not have been expected to openly resist the terror system at that time with the far-reaching consequences it involved.

That the industrialists even had to desist from unofficially improving the conditions of the foreign laborers allocated to them, can also be seen from the decree issued by the former Chief of the Party Chancellery, BORMANN, which the Prosecution introduced into the proceedings before the International Tribunal. BORMANN subjected the industrialists to a special spying system exercised by the Party organs and thereby assured that they did not take any steps which would allegedly have run counter to the interests of the Party.

- 53 -

These facts, too, show how narrow the margin was within which the industrialists were permitted uncontrolled freedom of action according to their own judgment.

If therefore the Tribunal does not find that the defendants had a free choice in their decisions; if it rather follows that under the circumstances described they acted under actual, strong, personal coercion or suffered that such actions were performed within their sphere of influence, and that this actual coercion was such that it was no longer possible for them to make a free, ethical decision, then no other kind of action can be expected of them. In this case, however, there should be no punishment for criminal actions or for criminal neglect.

The legal precepts set forth herein on the importance of moral coercion (Unzumutbarkeit)* as a general reason for the preclusion of guilt were not only recognized by German science as a legitimate principle of positive law even before 1933, (compare for instance Mezger, Frank, Goldschmidt, Freudenthal, Marcotus and v. Liszt-Schmidt), but they were also approved by the highest German court, the Reich Supreme Court, in their basic rulings. (Compare the rulings in vol. 56 page 168, vol. 58 page 97 and vol. 60 page 101.)

The fact that the idea of moral coercion is familiar

* Reviewer's note: Unzumutbarkeit - non-compliance with excessive moral demands existing under certain circumstances.

- 54 -

in the conception of the American interpretation of penal law also, is shown by the concurrent opinion of the American Judge of Tribunal II, Judge MUSMANO, regarding the sentencing of the former Field-marshal Erhard MILCH. MUSMANO says (page 85 of the English, page 98 of the German text):

"We never intended, nor was it suggested, that he should take any action which would result in the forfeiture of his life."

The result of the foregoing explanations is that the law cannot, and therefore does not, demand from the individual that he should go so far as to sacrifice his person for the fulfilment of the law: The accusation of guilt can be made only up to the point where compliance with the standards of the law can no longer be expected of the individual.
Nuernberg, 8 June 1947.

signed: Dr. jur. Herbert KRAUS

- 89 -

I, Dr. Walter S i e m e r s, attorney in Hamburg, at this
time defense counsel at the Military Tribunal in Nurnberg,
certify that the attached document:

Decree of the Fuehrer and Reich Chancellor
on the administration of the occupied Polish territories

dated 12 October 1939

was literally copied from the

Reich Legal Gazette Part I

published in Berlin 24 October 1939 No. 210.

Nuernberg, 8 March 1948

(Dr. Siemers)

Reichsgesetzblatt

Part I, P. 2077

1939 Decree of the Fuehrer and Reichskanzler on the
administration of the occupied Polish Territories

12.10. 1939

Decree of the Fuehrer and Reichskanzler on the
administration of the occupied Polish

territories.

of the 12 of October 1939.

In order to restore public order and public life in the
occupied Polish territories, I order as follows:

Par 1

The territories occupied by the German troops are
subordinate to the Governor General for the occupied Polish
territories, in so far as they are not incorporated into the
Reich.

Par 2

- (1) As Governor General for the occupied Polish territory I ap-
point Reich Minister Dr. F r a n k.
- (2) As Deputy of the Governor General I appoint the Reich
Minister Dr. S o y s s - I n q u a r t.

Par. 3

- (1) The Governor General is directly subordinated to me.
- (2) To the Governor General are allocated all branches of
administration.

- 2 -

Par. 4

The law, at present in force, remains effective, in so far as it is not contradictory to the occupation by the German Reich.

Par. 5

- (1) The Ministry Council for the defense of the German Reich, the Plenipotentiary for the Four Year Plan and the Governor General can establish law by decrees.
- (2) The decrees are proclaimed in the "Official Gazette for the occupied Polish territories."

Par. 6

The Chairman of the Ministry Council for the Defense of the Reich and the Plenipotentiary for the Four Year Plan and the Supreme Reich authorities have the right to issue regulations, necessary for the planning of the German economic life, also for the territories subject to the Governor General.

Par. 7

- (1) The expenses of administration are carried by the occupied territory.
- (2) The Governor General sets up an economic plan. The economic plan must be approved by the Reich Minister of Finance.

Par. 8

- (1) The central authority for the occupied Polish territories is the Reich Ministry of the Interior.
- (2) The judicial and administrative decrees required for the execution of this decree, are issued by the Reich Minister of the Interior.

- 3 -

Par. 9

- (1) This decree becomes effective as soon, and as far, as I withdraw the order for exercising Military administration from the Commander-in-Chief.
- (2) The authority of exercising executive power will be regulated in a special order.

Berlin, 12 October 1939

The Fuehrer and Reichskanzler

Adolf Hitler

The Vorstand of the Ministry Council for the
defense of the Reich
The Plenipotentiary for the Four Year Plan

Goering
Field Marshal General

The Reich Minister for the Interior

Frick

The Deputy of the Fuehrer

R. Hess

The Chief of the High Command

Keitel

The Commander-in-Chief of the Army

v. Brauchitsch

The Reich Minister of the Foreign Office

v. Ribbentrop

The Reichminister of Finance

Graf Schwerin von Krosigk

The Reich Minister and Chief of the
Reichskanzlei

Dr. Lammers

- 93 -

DOCUMENT BOOK VI SCHNITZLER
DOCUMENT No. 2
EXHIBIT No. 2

I, Dr. Walter Siemers, Attorney in Hamburg
herewith certify that the following document:

Decree of the Fuehrer
on the administration of the newly
occupied Eastern territories
dated 17 July 1941

is a correct copy of document PS 1997 which was
submitted by the defense in the Flick Trial under
Exhibit No. 564.

Nuernberg, 22 December 1947

(Dr. Siemers)

Copy of Excerpt of Document No. 1997 - P8 - Flick
Trial - Prosecution Exhibit 564

- 1 -

Copy to RK. 10714 B.

Decree of the Fuehrer

concerning the administration of the
newly - occupied Eastern territories.

Dated the 17 July 1941

In order to restore and maintain public order and
public life in the newly - occupied Eastern territories I
decree that:

Article 1

As soon as the military operations in the newly-
occupied territories are over, the administration of
these territories shall be transferred from the
military establishments to the civil-administration
establishments. I shall from time to time determine by special
decree, the territories which according to this are to be
transferred to the civil administration, and the time when
this is to take place.

Article 2

The Civil Administration in the newly occupied Eastern
territories, where these territories are not included in
the administration of the territories bordering on the
Reich or the General Government, is subject to the "Reich
Minister for the Occupied Eastern territories."

- 2 -

Article 3

Military sovereign rights and powers are exercised by the commanders of the Armed Forces in the newly-occupied Eastern territories in accordance with my decree of 25 June 1941.

The powers of the Commissioner for the 4-Year Plan in the newly-occupied Eastern territories, according to my decree of 29 June 1941, and those of the Reichsfuehrer SS and Chief of the German Police according to my decree of 17 July 1941, are subject to special ruling, and are not effected by the following regulations.

Article 4

I appoint Reichsleiter Alfred Rosenberg as Reich Minister for the Occupied Eastern Territories. He will hold office in Berlin.

Article 5

The parts of the newly-occupied Eastern territories which are subject to the Reich Minister for the Occupied Eastern Territories are to be divided into Reich Commissariats, which are to be divided into General Regions (Generalbezirke) and these again into District Areas (Kreisgebiete). Several "Kreisgebiete" can be joined into a Main Region (Hauptbezirk). The Reich Minister for the Occupied Eastern Territories will issue more detailed instructions on this subject.

- 3 -

Article 6*

At the head of each Reich Commissariat will be a Reich Commissar; at the head of each General Region a Commissar-General and at the head of every District Area an Area Commissar (Gebietskommissar). Where a Main Region is formed, there will be a Head-Commissar (Hauptkommissar) in charge.

The Reich Commissars and the Commissar-Generals will be appointed by me, the heads of the main sections in the bureau of the Reich Commissars, as well as the Head Commissars and District Commissars will be appointed by the Reich Minister for the Occupied Eastern Territories.

Article 7

In cases where Article 3 is not applicable, the Reich Commissars will be responsible to the Reich Minister for the Occupied Eastern Territories, and will receive instructions exclusively from him.

Article 8

It is the responsibility of the Reich Minister for the Occupied Eastern Territories to legislate for the newly occupied territories under his jurisdiction. He can delegate the legislative power to the Reich Commissars.

Article 9

As regards civil affairs, the Reich Commissars are

- 4 -

responsible for the whole administration of their territory.

As long as military operations are in progress, it is the duty of the highest competent authorities of the Reich to guarantee railway and postal services in accordance with the instructions of the Chief of Supreme Command of the Armed Forces. Further ruling will remain pending until the time the military operations cease.

Article 10.

In order that the measures taken by the Reich Minister for the Occupied Eastern Territories or by the Reich Commissars in their areas may be brought into harmony with the over-all (uebergeordnete) aspects of the interests of the Reich, the Reich Minister for the Occupied Eastern Territories will maintain close liaison with the highest Reich authorities. In differences of opinion which cannot be settled by direct negotiations, my decision is to be obtained through the Reich Minister and Chief of the Reich Chancellery.

Article 11

The necessary regulations for carrying out and supplementing this decree will be issued by the Reich Minister for the Occupied Eastern Territories in agreement with the Reich Minister and Chief of the Reich Chancellery.

- 5 -

Fuehrer's Headquarter, 17 July 1941

The Fuehrer

signed: Adolf Hitler

Chief of Supreme Command
of the Armed Forces

signed Keitel

Reich Minister and Chief of the Reich

(L.S.)

Chancellory

signed: Dr. Lammers.

END

I, Dr. Walter S i e m e r s, Attorney in Hamburg,
at this time Defense Counsel at the Military Tribunal
in Nuerberg, certify that the attached document:

Verordnungsblatt of the Reichsminister
for the occupied Eastern Territories,
Published in Berlin 2 June 1942

was copied literally. The document was submitted in the
course of Case V (Flick Trial) as document No. 1163
Nuerberg, 9 March 1948

(Dr. Siemers)

Day	Contents	Page
28 May 1942	Ordinance concerning the Special Assets of the Economy in the Occupied Eastern Territories.....	21
28 May 1942	22

Ordinance

Concerning the Special Assets of
the Economy in the Occupied Eastern
Territories

dated 28 May 1942

On the strength of Art. 8 of the Fuehrer's decree concerning the administration of the newly occupied Eastern territories, dated 17 July 1941, in agreement with the plenipotentiary of the Four Year Plan, I order the following:

Art. 1

In the occupied Eastern territories subject to civilian administration, the entire movable and immovable property of the USSR, her memberstates, organizations, associations, and unions, which served the economy, shall constitute (special assets of the economy).

Art. 2

(1) The special assets of the economy are to be administered in trusteeship.

(2) Dispositions, especially sales which do not fall within the framework of the current economic administration, shall require the previous approval of the Reich Minister for the occupied Eastern Territories after an agreement with the Plenipotentiary for the Four Year Plan has been reached. Dispositions which are made without this approval are null and void. The Reich Minister for the Occupied Eastern Territories is entitled to give this approval in general, for separate regions or economic branches, or for separate plants.

Art. 3

(1) The trustees shall be appointed by the Reich Commission. The Reich Commissioners may transfer their competencies to the

(Page - 1 - of original cont'd.)

General Commission.

(2) Until such time as a trustee shall be appointed, the former administrators of the enterprises are to continue in the administration as trustees.

(Page - 2 - of original)

Art. 4

The trustee relationship shall be administered by the Reich Minister for the Occupied Eastern Territories in agreement with the Plenipotentiary for the Four Year Plan in agricultural real estate, companies holding monopoly rights, and concerning subjects which are regulated by implementation order.

Art. 5

(1) In agreement with the Plenipotentiary for the Four Year Plan, the Reich Minister for the Occupied Eastern Territories shall issue the legal and administrative directives necessary for the carrying out of the above ordinance. He may authorize the Reich Commissioners to issue legal and administrative directives for cases described under Art. 3.

(2) The Reich Minister for the Occupied Eastern Territories shall be authorized to make exemptions for cases falling under Art. 2, paragraph 1.

Art. 6

This ordinance shall be in force with its day of publication.

(signed)

The Reich Minister

for the Occupied Eastern Territories

ROSENBERG

DOCUMENT BOOK 5 SCHNITZLER
SCHNITZLER-DOCUMENT No. 105

WEISS (FLICK) Doc.No. 1250
Exh. No. 171

I, Dr. Walter SIEMERS, Attorney at Law in Hamburg,
presently Defense Counsel with the American Milita-
ry Tribunal Nuernberg, herewith certify that the
enclosed excerpt conforms word by word to the

OFFICIAL GAZETTE

of the Reichminister for the Occupied Eastern Terri-
tories .

Berlin, 15 October 1942, No. 13 .

First Implementatin Decree

regarding the special economic properties in the
Occupied Eastern Territories.

Of 3 October 1942 .

Nuernberg, 2nd January 1948

(Dr. SIEMERS)

EXCERPT FROM
OFFICIAL GAZETTE

of the Reich Minister for the Occupied Eastern Territories

Berlin, 15 October 1942, No. 13
FIRST IMPLEMENTATION ORDINANCE

concerning the especially entailed industrial property⁺

in the Occupied Territories
from 3rd October 1947.

Referring to article 5 of the ordinance of 28 May 1947 concerning the especially entailed industrial property in the occupied eastern territories (VLRM East, page 21) I decree in agreement with the plenipotentiary for the Four Years' Plan:

Article 1:

- (1) The trustee to be appointed in accordance with article 3 of the order of 28 May 1942 concerning especially entailed industrial property in the occupied Eastern territories to be given/document of appointment as per enclosure, in which the property to be administered by him is to be described in detail.
- (2) Copy of the document of appointment is to be filed for public inspection with the locally responsible Reich and General Commissioner.
- (3) The trustee is assigned to the property to be entrusted to him by the locally responsible General Commissioner, who can transfer his authority to the district commissioners.

- 104 -

† (translator's note: "Especially entailed industrial property" within the meaning of that order is the entire movable and immovable property of the USSR, the member states of that Union, corporations, associations and combines in the service of industry (definition in article 1 of the order of 28 May 42 concerning especially entailed industrial enterprises.

(page - 2 - of original)

Article 2

For the property described in detail according to article 1 of this order, a firm name or other name can be chosen in the document of appointment . This goes also for parts of the property as far as they constitute an independent industrial enterprise.

Article 3

- (1) Insofar as in accordance with article 2 a firm or other name has been decided upon , the enterprise can be accorded the rights of a legal entity.
- (2) These rights can be withdrawn.
- (3)The according and the withdrawal of the rights of legal entity must be made public and can be recorded in the document of appointment.

Article 4

- (1) The property with rights of its own is represented by the trustee.
- (2) Insofar as the property has no legal rights of its own , the acts of the trustee have legal effect for and against the property; in this capacity the trustee can conclude contracts, sue and be sued.

Article 5

Only upon a previously and expressly given consent can the trustee legally

- a) sell or mortgage real estate, ships for sea or inland navigation,
- b) make legal deals with regard to selling or liquidating the property under his trusteeship

(Page - 3 - of original)

the enterprise or the stocks as a whole;

- c) lease the property or parts thereof under his trusteeship or leave it to third parties for operation purposes.

Article 6

The Reich Commissioner has to be informed ex officio about legal disputes and distraint proceedings concerning the especially entriled industrial property or part thereof. Upon his request the distraint is to be revoked or temporarily suspended.

Article 7

- (1) For claims concerning the property administered by the trustee only that property is liable. The personal liability of the trustee, if any, remains unaffected.
- (2) The issue of Regulations concerning the liability for obligations which occurred before the occupation through German or allied troops remains reserved.

Article 8

- (1) In discharging his duties, the trustee must apply all the care of a good businessman or an administrator.
- (2) Immediately after his appointment the trustee, on the strength of a personally conducted inventory has to make a list of all movable and immovable items belonging to the property as well as of all claims and liabilities. This list has to be signed by the trustee, and insofar as he takes over the property from somebody else, also by that person, and be submitted to the respective authorities.

Weiss-Doc. No. 1250

Exh. No.

(page - 4 - of original)

Article 9

The trustee must follow the directives of his competent authorities and, unless otherwise stated, report on his activities every three months without being requested.

Article 10

For his activities the trustee receives a remuneration, which is fixed by the competent authorities. The costs of the trustee administration as well as the remuneration for the trustee are charged to the property administered by the trustee.

Article 11

- (1) The appointment of the trustee can be terminated at any time.
- (2) Upon termination of his appointment the trustee must return the document of appointment issued to him.

Article 12

The trustee can be requested notwithstanding his responsibility under criminal law, to fulfill his duties by fines without upper limits. Before the order of a fine to be paid is given, the trustee must have an opportunity to justify his action. For the forcible collection of these fines the regulations for the collections for taxes are applicable.

(Page - 5 - of original)

Article 13

The spirit of the regulations in articles 1 to 11 of this order is to be applied also in the cases of article 4 of the order of 28 May 1942 concerning especially entailed industrial property in the occupied Eastern territories.

Article 14

In so far as not stated otherwise in that order the competencies provided for in that order are exercised by the authorities, which, according to article 3 of the order of 28 May 1942 concerning the especially entailed industrial property in the occupied Eastern territories, appoints the trustee, or in cases of article 4 of that same order regulates the trustee relations.

Berlin, 3 October 1942

The Reich Minister
for the occupied Eastern Territories
ROSENBERG

CERTIFICATE OF TRANSLATION.

30. October 1948.

I, Thea v. SEUFFERT, B-397 929, hereby certify that I am a duly appointed translator for the German and English languages and that the above is a true and correct translation of the document Book VIII WEISS.

Thea v. SEUFFERT
B-397 929

DOCUMENT BOOK 6 SCHNITZLER
SCHNITZLER-Document No. 106

WEISS (FLICK) Doc.No. 1251
Exh. No. 172

I, Dr. Walter SIEMERS, Attorney in Hamburg, at present Counsel for the Defense with the American Military Tribunal in Nuernberg, herewith declare that the attached document is a verbatim excerpt from the

Official Gazette

of the Reich Minister for the Occupied Eastern Territories,

Berlin, 2 June 1943, No. 12

Third Implementation Ordinance for
The Ordinance concerning Especially Entailed Industrial Property in the Occupied Eastern Territories,

Dated , 18 May 1943

Nuernberg, 23 September 1947.

(Dr. SIEMERS)

Excerpt from the
OFFICIAL GAZETTE

of the Reich Minister for the Occupied Eastern
Territories,

Berlin, 2 June 1943, No. 12

THIRD IMPLEMENTATION ORDINANCE

FOR THE Ordinance Concerning Especially Entailed
Industrial Property in the Occupied Eastern Terri-
tories.

dated 18 May 1943.

Pursuant to Article 5 of the Ordinance dated 28 May
1942 concerning Especially Entailed Industrial Pro-
perty in the Occupied Eastern Territories (Ordinance
Gazette of the Reich Minister for the Occupied
Eastern Territories,
Page 21) and in agreement with the Commissioner for
the Four Year Plan, I hereby order as follows:

Article 1

Regardless of the valid provisions of property and
land register law, the Reich Commissar, or an authori-
ty appointed by him, can issue administrative orders
in accordance with Article 2 Paragraph 2 of the Or-
dinance concerning Especially Entailed Industrial
Property in the Occupied Eastern Territories.
In this connection, levies can be imposed and
claims can be substantiated.

Article 2

(1) If property is transferred in accordance with
Article 1, the transfer shall become effective when
the administrative order is issued.

(Page - 2 - of original)

(2) Paragraph 1 is applied accordingly, if, when the property is transferred, levies are imposed or claims substantiated.

Article 3

IF The order affects property which has to be entered in land registers or other public registers, these registers are to be adjusted, upon presentation of the administrative orders or of a certified copy. IF there is no land register or other public register, or if such records have been destroyed, the Reich Commissar, or the authority appointed by him, shall issue the necessary legal or administrative orders.

BERLIN, 18 MAY 1943

The Reichsminister

for the Occupied Eastern Territories
signature : ROSENBERG.

DOCUMENT BOOK 6 SCHNITZLER
SCHNITZLER DOCUMENT No. 107

WEISS (FLICK) Doc.No. 1252
Exh.No.173

I, Dr. Walter SIEMERS, attorney in HAMBURG, at present Counsel for the Defense at the American Military Tribunal in Nuremberg, herewith certify that the attached document is a verbatim excerpt from the

OFFICIAL GAZETTE

of the Reich Minister for the Occupied Eastern Territories,

Berlin, 12 February 1944, No. 1

Fourth Implementation Ordinance, dated 14 JANUARY 1944 for the Ordinance concerning Especially Entailed Industrial Property in the Occupied Eastern Territories, dated 28 MAY 1942.

Nuremberg, 2 January 1948

(Dr. SIEMERS)

of the Reich Minister for the Occupied Eastern
Territories,

Berlin, 12 February 1944, No. 1

FOURTH IMPLEMENTATION ORDINANCE, dated 14 January
1944 for the ORDINANCE dated 28 May 1942 Concerning
Especially Entailed Industrial Property in the
Occupied Eastern Territories.

Pursuant to Article 5 of the Ordinance dated 28 May
1942 for Especially Entailed Industrial Property
in the Occupied Eastern Territories, (Ordinance Ge-
zette of the Reich Minister for the Occupied Eastern
Territories, Page 21), and in agreement with the
Commissioner for the Four Year Plan, I hereby
order as follows:

Article 1.

The Reich Minister for the Occupied Eastern Terri-
tories, himself or through an agent, can at any
time investigate the plants and other assets be-
longing to especially entailed industrial property,
as well as the monopoly companies (Eastern Companies)
mentioned in Article 4 of the ORDINANCE dated 28 May
1942 concerning Especially Entailed Industrial Pro-
perty in the Occupied Eastern Territories, and the
companies which are dependent upon Eastern Companies
or in which Eastern Companies have a share, and which
have been charged with the trustee administration of
plants or other assets of the especially entailed in-
dustrial property; and he can inspect the plants and
all the business documents. This also holds good
if the administration has been entrusted to a third
Party.

DOCUMENT BOOK 6 SCHNITZLER
SCHNITZLER DOCUMENT No. 107

WEISS Doc.No. 1252
Exh.No.

(page - 2 - of original)

Article 2

The Reich chief Accounting Office has the same right to conduct investigations as that mentioned in Article 1.

Berlin, 14 January 1944.

The Reich Minister
for the Occupied Eastern Territories
Rosenberg

CERTIFICATE OF TRANSLATION

9 April 1948

We, Frank Freudenthal, B 242988 and Adolph Lusthaus, B 398010, hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the Document Book 6 Schnitzler.

Frank Freudenthal
B-242988

Adolph Lusthaus
B 398010

Case 6
Defense

TRANSLATION OF DOCUMENT BOOK VII SCHNITZLER
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

DOCUMENT BOOK VII

for

Dr. Georg von Schnitzler

To Military Tribunal VI
Case VI

Submitted by:
Dr. Dr. Walter Siemers,
Attorney in Nuernberg.

Georg



DOCUMENT BOOK 7 SCHNITZLER

TABLE OF CONTENTS

Document Book VII

for Dr. Georg von SCHNITZLER

Documents 108 - 131, 1, 7, 8, pages 1 - 141

Schnitzler Exh. No. Description of Document Page
No.-----

Utilization of the economic capacities

in the occupied territories

I. Basic principles of International Law.

(Continued)

- 108 Presented to the Military Tribunal in the Flick Trial as
Burkart No. 877.

Extract from: "Germany is our problem" by Henry Morgen-
thau jr., so-called Morgenthau-Plan. 1 - 7
- 109 Directive by the United Chiefs of Staff (JCS 1067)
to the Supreme Commander of the American occupation
forces, Eisenhower, dated April 1945.
"Germany will be occupied, not for the purpose of her
liberation, but as a defeated enemy state. Your goal is
not Germany's suppression but the occupation of Germany
in order to accomplish certain important Allied goals."
"No steps to be taken in the direction of Germany's economic
reconstruction and none which could lead to preserving and
strengthening the German economic power. 8 - 43

DOCUMENT BOOK 7 SCHNITZLER

Schnitzler No.	Exh. No.	Document	Page
110		Submitted by the Military Tribunal in the Flick Trial as Weiss No. 1166. Proclamation No. 2 of the Control Council in Germany, dated 29 October 1945. In accordance with Article 6, the German authorities are under obligation to transfer all assets <u>"as it is decreed by the Allied representatives."</u>	44 - 48
111		Control Council Law No. 9, dated 30 November 1945. <u>"Confiscation and control of the I.G. Farbenindustrie properties"</u> .	49 - 53
112		"Answers by Byrnes to urgent questions": What is the opinion of the United States concerning the work of the Allied Control Council? Answer: "with regard to many vital questions Germany is neither governed by the Control Council nor does this agency permit Germany's self-administration".	54 - 55
113		<u>Directives by the American Government for General Lucius D. Clay, dated 17 July 1947, Excerpt from: "Die Neue Zeitung", dated 18 July 1947.</u>	56 - 61
114		Submitted to the Military Tribunal in the Flick Trial as Weiss Document No. 1202. Statement by General Clay concerning questions of validity of the Hague Rules for Land Warfare in Germany. Excerpts from: "Wirtschafts Zeitung", dated 11 July 1947. General Clay answers the <u>question of application in the negative</u> and stated that the question was improper in view of the fact that Germany herself had disregarded the Hague Rules for Land Warfare for years. 62-64	
115		Letter by the British Commissar for Nordrhein-westfalen, W. Asbury, to the Lord Mayor of the City of Essen, dated 23 October 1947 containing the answer by General Robertson concerning the validity of the Hague Rules for Land Warfare in the occupied German territories. On the basis of the supreme power conferred upon them (the allied supreme commanders) there is no limitation of their powers with the exception of the limits which they establish for themselves	65-71

DOCUMENT BOOK 7 SCHNITZLER

Doc. No.

Schnitzler No.	Exh. No.	Document	Page
116		"The decisive legal question" by <u>Dr. Dr. Gustav Heinsmann, Minister of Justice for the Sector Nordrhein-Westfalen.</u> Opinion to the preceding document No. 115	72-76
117		Note of the Soviet Government to the foreign government representatives, accredited in Moscow, dated 17 September 1939: Excerpt from the "Voelkischer Beobachter" dated 18 September 1939: "The Polish Government has collapsed and does not show any sign of life. This means that the Polish state and its government have actually ceased to exist. These agreements, therewith, have lost their validity which existed between the Soviet Union and Poland."	77 - 79
118		Presented to the Military Tribunal in the Flick Trial as Weiss No. 1203. "Present International Law" by <u>Prof. Dr. Rudolf Haun, teacher of International Law at the University of Hamburg.</u> "Consequently there are two kinds of positive international law according to the will of the victor powers, a general, and a special law for Germany. The equality of nations, which up till now was the basis of international law, is no longer a positive law."	80-84
119		Military Government Regulation, Title 17, Property Control, dated 14 March 1947, concerning authorization of the trustee to sell confiscated property in so far as this is appropriate from the economic point of view, including Affidavit by <u>Dr. Gustav Kuepper.</u>	85- 87
120		"The tasks of the I.G. Trustees" Excerpt from: "Die Neue Zeitung", dated 11 July 1947. Authorization of the trustee to dispose of I.G. property with the approval of the control officer.	88 - 90

DOCUMENT BOOK 7 SCHNITZLER

Schnitzler No.	Exh. No.	Document	Page
121		"Unjustified Confiscation", U.S.-British protest in the Control Council on behalf of Austria against the occupation of the Lobau oil-refinery by Soviet Russian troops.	91 - 93
122		"Hague Convention and Requisitions". Excerpt from: "Wirtschafts Zeitung". In agreement with Article 53 HLO, the following provision was printed on the requisition forms which were used by the Allies in 1945: "This property is needed by the American armed forces and the requisition is in proportion to the total assets of the country." On the forms used in 1947, this provision is missing.	94-95

-***-

II. Individual cases concerning the utilization of the economic capacity of occupied territories.

123		Excerpt from "The Bankers' Almanac and Year Book for 1938/39". The witness Schwab testified that the Polish Dye-stuff factory Boruta was owned to more than 80% by the bank Gospodarstwa Krajowe. This document shows that this bank was a Polish state institution, therefore the <u>Boruta factory was mainly a state property.</u>	96 - 98
124		Affidavit by <u>Dr. Max Winkler</u> , Economic Trustee of the Reich and Chief of the Main Trustee Office East. The sale of the Polish dye-stuff factory Boruta to the I.G. was effected for the preservation of the plant and the capital	99-107

DOCUMENT BOOK 7 SCHNITZLER

Schnitzler No.	Exh. No.	Document	Page
1	1	Photograph of a part of the Polish dye-stuff plant "ola with the note: Black-sulphur plant, identified by the Prosecution witness Szpilfegel and the Defense witness Schwab. The picture shows, according to the statements of both witnesses, the destruction of the plant as a result of the war.	108
7	7	3 photographs of a part of the "ola plant with the notes: Factory street near gate, to the left of the factory street basic dye stuffs, Direktschwarz-plant. (Old Azo-plant) identified by the witness Schwab. The pictures show the small size and destruction of this plant as a result of the war.	109 -110
8	8	4 photographs of the Polish dye-stuff plant "innica with the note: factory gate, to the right naphtol, to the left drainage purification, intermediate products-construction - fuel pump and intermediate products - boiler house - office, identified by the witness Schwab. The pictures show the small size of this plant. No destructions resulting from the war.	111-112
126		Admitted by the Military Tribunal in the Flick Trial as Weiss Exh. No. 177. Affidavit by <u>Eduard Beckhaeuser</u> , manager of the firm of <u>Wagner & Co.</u> in Dortmund. As a result of the dismantling of plants belonging to the firms of <u>Wagner & Co.</u> , <u>Dr. Waldrich K.G.</u> , Siegen, and <u>Schiess A.G.</u> , Dusseldorf, <u>75% of the German heavy machine tool production has been eliminated.</u> Supplement to affidavit "Production Permit for industrial plants" by the British Military Government, according to this order by the Military Government the firm of <u>Wagner & Co.</u> is permitted to dismantle, pack and ship their installations. The permit is declared valid for the period up to completion of this work.	113-116

DOCUMENT BOOK 7 SCHNITZLER

Schnitzler No.	Exh. No.	Document	Page
126		admitted by the Military Tribunal in the Flick Trial as Weiss Exh. No. 179. Affidavit by <u>Oskar Waldrich</u> . Production of machine tools for the <u>peace-time production</u> , 60% for export. <u>Completely dismantled</u> , as for the rest, compare Document No. 126.	117-119
127		Affidavit by <u>Hugo Pauls</u> . Dismantling for the benefit of the American owned firm "Pressluftwerkzeuge und Maschinenbau A.G., Berlin", subsidiary of the Chicago Pneumatic Tool Co., with the participation of an agent of the Property Control Branch and the director of the American firm of Heinz P. Kemper who at the same time is Chief Custodian of Allied and NSDAP-properties in the American sector of Berlin and who is appointed by the Military Government. Supplement to the Affidavit: Letter by the above mentioned Director Kemper, dated 19 February 1948: "Therefore you have <u>no right to protest</u> against the measures taken by the competent department of the Military Government. According to our present knowledge of your previous production methods, I can only assure you that, compared to the other leading firms in the pneumatic field, you would have to learn a lot in order to deliver products of the same quality. If the plant is to be preserved at all, this can only be effected in connection with the Premag through the Chicago Pneumatic Tool Co." "The license for the continuation of production has been issued to . . . the Premag and not to the firm of Krupp."	120-126

DOCUMENT BOOK 7 SCHNITZLER

Schnitzler No.	Exh. No.	Document	Page
128		Admitted by the Military Tribunal in the Flick Trial as Weiss Exh. No. 181. Correspondence concerning dismantling of the "Noris"-Luendlicht A.G., especially the letter of the Office of the Military Government for Bavaria by Brigadier General Walter J. Muller: "Even if it might be admitted that this enterprise, aside from having made available large quantities of material for armament purposes, showed a well established peace time production, it is yet one of the few plants which gain and again appear on the list of the plants for reparation purposes".	127-134
129		Admitted by the Military Tribunal in the Flick Trial as Weiss Exh. No. 182. Letter by the engineer Otto Weber, technical office, to the Auto Union, Nuernberg, concerning dismantling of the Transportgeraetefabrik Steinbock G.m.b.H., in Moosburg, Upper Bavaria.	135-138
130		Admitted by the Military Government in the Flick Trial as Weiss Exh. No. 183. Letter by the firm of Ernst Reine concerning dismantling of the <u>"Spezialfabrik fuer Praezisions-Gewinde-schneidwerkzeuge."</u>	139-141

I, Dr. Walter Siemers, Attorney in Hamburg, at present Defense Counsel before the American Military Tribunal in Nuernberg, herewith certify that the enclosed document

"Extract from "Germany is our Problem" by Henry Morgenthau, Jr." was truly copied from the original. The document was presented by the Defense to Military Tribunal IV, Case V, (Flick Trial) as Burkart Document No. 877.

Nuernberg 8 March 1948.

signed: Dr. Siemers.

BURKART (FLICK) Doc.No. 877

E x t r a c t

from

"Germany is our Problem"
by Henry Morgenthau, Jr.
Harper & Brothers Publishers
New York and London.

Copyright , 1945, by Elinor and Henry Morgenthau, Jr. Foundation for Peace , inc. printed in the United States of America. All rights in this book are reserved. No part of the book may be reproduced in any manner whatsoever without written permission except in the case of brief quotations embodied in critical articles and reviews. For information address Harper & Brothers. 10-5 First Edition I-U .

On the following pages is reproduced a photographic copy of the memorandum summarizing "The Morgenthau Plan" which President ROOSEVELT took with him to the historic conference at Quebec in September of 1944.

"Top Secret"

Program to Prevent Germany from
starting a World War III.

1.) Demilitarization of Germany.

It should be the aim of the Allied Forces to accomplish the complete demilitarization of Germany in the shortest possible period of time after surrender. This means completely disarming the German Army and people (including the removal or destruction of all war material); total destruction of the whole German armament industry , and the removal or destruction of other key industries

which are basic to military strength.

2.) New Boundaries of Germany.

(a) Poland should get that part of East Prussia which doesn't go to ^{the} U.S.S.R. and the southern portion of Silesia. (See map in 12 Appendix).

(b) France should get the Saar and the adjacent territories bounded by the Rhine and the Moselle Rivers.

(c) As indicated in 4 below an International Zone should be created containing the Ruhr and the surrounding industrial areas.

3) Partitioning of New Germany.

The remaining portion of Germany should be divided into two autonomous, independent states, (1) a south German state comprising Bavaria, Wuerttemberg, Baden and some smaller areas and (2) a North German state comprising a large part of the old state of Prussia, Saxony, Thuringia and several smaller states.

There shall be a custom union between the new South German ^{state} and Austria, which will be restored to her pre - 1938 political borders.

4.) The Ruhr Area.

(The Ruhr, surrounding industrial areas, as shown on the map, including the Rhineland, the Kiel Canal, and all German territory north of the Kiel Canal).

Here lies the heart of German industrial power. This area should not only be stripped of all presently existing industries but so weakened and controlled that it can not in the foreseeable future become an industrial area. The following steps will accomplish this:

DOCUMENT BOOK 7 SCHNITZLER
SCHNITZLER-DOCUMENT No. 108

BURKART (FLICK) Doc.No. 877

(a) Within a short period, if possible not longer than 6 months after the cessation of hostilities, all industrial plants and equipment not destroyed by military action shall be completely dismantled and transported to Allied Nations as restitution. All equipment shall be removed from the mines and the mines closed.

(b) The area should be made an international zone to be governed by an international security organization to be established by the United Nations. In governing the area the international organization should be guided by policies designed to further the above states objective.

5.) Restitution and Reparation.

Reparations, in the form of future payments and deliveries, should not be demanded. Restitution and reparation shall be effected by the transfer of existing German resources and territories, e.g.,

(a) by restitution of property looted by the Germans in territories occupied by them;

(b) by transfer of German territory and German private rights in industrial property situated in such territory to invaded countries and the international organization under the program of partition;

(c) by the removal and distribution among devastated countries of industrial plants and equipment situated within the International Zone and the North and South German states delimited in the sections on partition;

(d) by forced German labor outside Germany;
and

(e) by confiscation of all German assets of any character whatsoever outside of Germany.

6.) Education and Propaganda.

(a) All schools and universities will be closed until an Allied Commission of Education has formulated an effective reorganization program. It is contemplated that it may require a considerable period of time before any institutions of higher education are reopened. Meanwhile the education of German students in foreign universities will not be prohibited. Elementary schools will be reopened as quickly as appropriate teachers and textbooks are available.

(b) All German radio stations and newspapers, magazines, weeklies, etc. shall be discontinued until adequate controls are established and an appropriate program formulated.

7.) Political Decentralization.

The military administration in Germany in the initial period should be carried out with a view toward the eventual partitioning of Germany. To facilitate partitioning and to assure its permanence the military authorities should be guided by the following principles:

(a) Dismiss all policy-making officials of the Reich government and deal primarily with local governments.

(b) Encourage the reestablishment of state governments in each of the states (Laender) corresponding to 18 states into which Germany is presently divided and in addition make the Prussian provinces separate states.

(c) Upon the partition of Germany, the various state governments should be encouraged to organize a federal government for each of the newly partitioned areas.

Such new governments should be in the form of a confederation of states, with emphasis on states' rights and a

large degree of local autonomy.

8.) Responsibility of Military for Local German Economy.

The sole purpose of the military in control of the German economy shall be to facilitate military operations and military occupation. The Allied Military Government shall not assume responsibility for such economic problems as price controls, rationing, unemployment, production, reconstruction, distribution, consumption, housing, or transportation, or take any measures designed to maintain or strengthen the German economy, except those which are essential to military operations. The responsibility for sustaining the German economy and people rests with the German people with such facilities as may be available under the circumstances.

9.) Controls over Development of German Economy.

During a period of at least twenty years after surrender adequate controls, including controls over foreign trade and tight restrictions on capital imports, shall be maintained by the United Nations designed to prevent in the newly established states the establishment or expansion of key industries basic to the German military potential and to control other key industries.

10.) Agrarian program.

All large estates should be broken up and divided among the peasants and the system of primogeniture and entail should be abolished.

11.) Punishment of War Crimes and Treatment of Special Groups.

A program for the punishment of certain war crimes and for the treatment of Nazi organization and other

special groups is contained in section 11.

12.) Uniform and Parades.

(a) No German shall be permitted to wear, after an appropriate period of time following the cessation of hostilities, any military uniform or any uniform of any quasi military organizations.

(b) No military parades shall be permitted anywhere in Germany and all military bands shall be disbanded.

13.) Aircraft.

All aircraft (including gliders), whether military or commercial, will be confiscated for later disposition. No German shall be permitted to operate or to help operate any aircraft, including those owned by foreign interests.

14.) United States Responsibility.

Although the United States would have full military and civilian representation on whatever international commission or commissions may be established for the execution of the whole German program, the primary responsibility for the policing of Germany and for civil administration in Germany should be assumed by the military forces of Germany's continental neighbours. Specifically, these should include Russians, French, Polish, Czech, Yugoslav, Norwegian, Dutch and Belgian soldiers.

Under this program United States troops could be withdrawn within a relatively short time.

I, Dr. Walter Siemers, attorney at law residing in Hamburg, at present Defense Counsel before the American Military Tribunal in Nuernberg, hereby certify that the attached document:

"Directive from the Joint Chiefs of Staff (JCS 1067)
to the Commander in Chief of the United States
Forces of Occupation (Eisenhower), April 1945
(Released October 17, 1945)"

was copied literally from a photostatic copy which had been certified before a notary. JCS 1067 was furnished to American government agencies. In the printed copy which was issued to American government agencies JCS 1067 is provided with the following introduction:

"The directive which follows, known as JCS 1067, is now two years old and was issued by the Joint Chiefs of Staff to General Eisenhower, for "the initial post-defeat period", in April 1945. Preceding the Potsdam Conference, it was not officially discussed at that meeting and kept a "top secret" until it was finally released three months later, in October 1945. As allied agreement about the right interpretation of the Potsdam decisions became the exception rather than the rule, JCS 1067 remained the most important source of guidance for Military Government in the American Zone. Although altered in practice and fundamentally modified by Secretary Byrnes' Stuttgart speech, the directive has not yet been supers^{ed}ed by a new statement. Its contents and significance must be understood by anyone desiring to learn about American policy in Germany.

Nuernberg, 8 March 1948.

(Dr. Siemers)

(2) DIRECTIVE FROM THE JOINT CHIEFS OF STAFF (JCS 1067)
TO THE COMMANDER-IN-CHIEF OF THE UNITED STATES
FORCES OF OCCUPATION (EISENHOWER), APRIL 1945 (Re-
lensed October 17, 1945)^{+))}

1.) Purpose and Scope of this Directive:

This directive is issued to you as Commanding General of the United States forces of occupation in Germany. As such you will serve as United States member of the Control Council and will also be responsible for the administration of military government in the zone or zones assigned to the United States for purposes of occupation and administration. It outlines the basic policies which will guide you in those two capacities after the termination of the combined command of the Supreme Commander, Allied Expeditionary Forces.

This directive sets forth policies relating to Germany in the initial post-defeat period. As such it is not intended to be an ultimate statement of policies of this Government concerning the treatment of Germany in

^{+))} The Axis in Defeat ..., cited above, p.40; Department of State, Bulletin, XIII, p. 596.

the post-war world. It is therefore essential that, during the period covered by this directive, you assure that surveys are constantly maintained of economic, industrial, financial, social and political conditions within your zone and that the results of such surveys and such other surveys as may be made in other zones are made available to your Government, through the Joint Chiefs of Staff. These surveys should be developed in such manner as to serve as a basis for determining changes in the measures of control set forth herein as well as for the progressive formulation and development of policies to promote the basic objectives of the United States. Supplemental directives will be issued to you by the Joint Chiefs of Staff as may be required.

As a member of the Control Council you will urge the adoption by the ^{other} occupying powers of the principles and policies set forth in this directive and, pending Control Council agreement, you will follow them in your zone. It is anticipated that substantially similar directives will be issued to the Commanders in Chief of the United Kingdom, U.S.S.R. and French forces of occupation.

PART I: GENERAL AND POLITICAL.

2.) The Basis of Military Government:

a) The rights, power and status of the military government in Germany are based upon the unconditional surrender or total defect of Germany.

b) Subject to the provisions of paragraph 3 below, you are, by virtue of your position, clothed with supreme

legislative, executive and judicial authority in the areas occupied by forces under your command. This authority will be broadly construed and includes authority to take all measures deemed by you necessary, appropriate or desirable in relation to military exigencies and the objectives of a firm military government.

c) You will issue a proclamation continuing in force such proclamations, orders and instructions as may have heretofore been issued by Allied Commanders in your zone, subject to such changes as you may determine. Authorization of action by the Supreme Commander, Allied Expeditionary Force, may be considered as applicable to you unless inconsistent with this or later directives.

3.) The Control Council and Zones of Occupation:

a) The four Commanders-in-Chief, acting jointly, will constitute the Control Council in Germany, which will be the supreme organ of control over Germany in accordance with the agreement on Control Machinery in Germany. For purposes of administration of military government, Germany has been divided into four zones of occupation.

b) The authority of the Control Council to formulate policy and procedures and administrative relationships with respect to matters affecting Germany as a whole will be paramount throughout Germany. You will carry out and support in your zone the policies agreed upon in the Control Council. In the absence of such agreed policies you will act in accordance with

this and other directives of the Joint Chiefs of Staff.

c) The administration of affairs in Germany shall be directed towards the decentralisation of the political and administrative structure and the development of local responsibility. To this end you will encourage autonomy in regional, local and municipal agencies of German administration. The German economic structure shall also be decentralized. The Control Council may, however, to the minimum extent required for the fulfillment of purposes set forth herein, permit centralized administration or establish central control of (a) essential national public services such as railroads, communications and power, (b) finance and foreign affairs, and (c) production and distribution of essential commodities.

d) The Control Council should adopt procedures to effectuate, and you will facilitate in your zone, the equitable distribution of essential commodities between the zones. In the absence of a conflicting policy of the Control Council, you may deal directly with one or more zone commanders on matters of special concern to such zones.

e) Pending the formulation in the Control Council of uniform policies and procedures with respect to inter-zonal travel and movement of civilians, no civilians shall be permitted to leave or enter your zone without your authority, and no Germans within your zone shall be permitted to leave Germany except for specific purposes approved by you.

f) The military government personnel in each zone, including those dealing with regional and local branches of the departments of any central German administrative machinery, shall be selected by authority of the Commander of that zone except that liaison officers may be furnished by the Commanders of the other three zones. The respective Commanders-in-Chief shall have exclusive jurisdiction throughout the whole of Germany over the members of the armed forces under their command and over the civilians who accompany them.

g) The Control Council should be responsible for facilitating the severance of all governmental and administrative connections between Austria and Germany and the elimination of German economic influences in Austria. Every assistance should be given to the Allied administration in Austria in its efforts to effectuate these purposes.

4.) Basic Objectives of Military Government in Germany.

a) It should be brought home to the Germans that Germany's ruthless warfare and the fanatical Nazi resistance have destroyed the German economy and made chaos and suffering inevitable and that the Germans cannot escape responsibility for what they have brought upon themselves.

b) Germany will not be occupied for the purpose of liberation but as a defeated enemy nation. Your aim is not oppression but to occupy Germany for the purpose of realizing certain important Allied objectives. In the conduct of your occupation and administration you

should be just but firm and aloof. You will strongly discourage fraternization with the German officials and population.

c) The principal Allied objective is to prevent Germany from ever again becoming a threat to the peace of the world. Essential steps in the accomplishment of this objective are the elimination of Nazism and militarism in all their forms, the immediate apprehension of war criminals for punishment, the industrial disarmament and demilitarization of Germany, with continuing control over Germany's capacity to make war, and the preparation for an eventual reconstruction of German political life on a democratic basis.

d) Other Allied objectives are to enforce the program of reparations and restitution, to provide relief for the benefit of countries devastated by Nazi aggression, and to ensure that prisoners of war and displaced persons of the United Nations are cared for and repatriated.

5.) Economic Controls.

a) As a member of the Control Council and as zone commander, you will be guided by the principle that controls upon the German economy may be imposed to the extent that such controls may be necessary to achieve the objectives enumerated in paragraph 4 above and also as they may be essential to protect the safety and meet the needs of the occupying forces and assure the production and maintenance of goods and services required to prevent starvation or such disease and unrest as would endanger these forces. No action will be taken

in execution of the reparations program or otherwise which would tend to support basic living conditions in Germany or in your zone on a higher level than that existing in any one of the neighboring United Nations.

b) In the imposition and maintenance of such controls as may be prescribed by you or the Control Council, German authorities will to the fullest extent practicable be ordered to proclaim and assume administration of such controls. Thus it should be brought home to the German people that the responsibility for the administration of such controls and for any break-downs in these controls will rest with themselves and German authorities.

6.) Denazification:

c) A proclamation dissolving the Nazi Party, its formations, affiliated associations and supervised organizations, and all Nazi public institutions which were set up as instruments of Party domination, and prohibiting their revival in any form, should be promulgated by the Control Council. You will assure the prompt effectuation of that policy in your zone and will make every effort to prevent the reconstitution of any such organization in underground, disguised or secret form. Responsibility for continuing desirable nonpolitical social services of dissolved Party organizations may be transferred by the Control Council to appropriate central agencies and by you to appropriate local agencies.

b) The laws purporting to establish the political structure of National Socialism and the basis of the Hitler regime and all laws, decrees and regulations which establish discriminations on grounds of race, nationality, creed or political opinions should be abrogated by the Control Council. You will render them inoperative in your zone.

c) All members of the Nazi party who have been more than nominal participants in its activities, all active supporters of Nazism or militarism and all other persons hostile to Allied purposes will be removed and excluded from public office and from positions of importance in quasi-public and private enterprises such as (1) civil, economic and labor organizations, (2) corporations and other organizations in which the German government or subdivisions have a major financial interest, (3) industry, commerce, agriculture, and finance, (4) education, and (5) the press, publishing houses and other agencies disseminating news and propaganda. Persons are to be treated as more than nominal participants in Party activities and as active supporters of Nazism or militarism when they have (1) held office or otherwise been active at any level from local to national in the party and its subordinate organizations, or in organizations which further militaristic doctrines, (2) authorized or participated affirmatively in any Nazi crimes, racial persecutions or discriminations, (3) been avowed believers in Nazism or racial and militaristic creeds, or (4) voluntarily given substantial moral or material support or political assistance of any kind to the Nazi Party or Nazi officials and leaders. No such person shall be re-

tained in any of the categories of the employment listed above because of administrative necessity, convenience or expediency.

d) Property, real and personal, owned or controlled by the Nazi party, its formations, affiliated associations and supervised organizations, and by all persons subject to arrest under the provisions of paragraph 8, and found within your zone, will be taken under your control pending a decision by the Control Council or higher authority as to its eventual disposition.

e) All archives, monuments and museums of Nazi inception, or which are devoted to the perpetuation of German militarism, will be taken under your control and their properties held pending decision as to their disposition by the Control Council.

f.) You will make special efforts to preserve from destruction and take under your control records, plans, books, documents, papers, files and scientific, industrial and other information and data belonging to or controlled by the following:

- (1) The Central German Government and its subdivisions, German military organizations, organizations engaged in military research and such other governmental agencies as may be deemed advisable;
- (2) The Nazi Party, its formations, affiliated associations and supervised organizations;
- (3) All police organizations, including security and political police;

(4) Important economic organizations and industrial establishments including those controlled by the Nazi Party or its personnel;

(5) Institutes and special bureaus devoting themselves to racial, political, militaristic or similar research or propaganda.

7.) Denilitarization:

a) In your zone you will assure that all units of the German armed forces, including para-military organizations, are dissolved as such and that their personnel are promptly disarmed and controlled prior to their final dispositions you will arrest and hold all military personnel who are included under the provisions of paragraph 8.

b) The Control Council should proclaim, and in your zone you will effectuate, the total dissolution of all military and para-military organizations, including the General Staff, the German Officer Corps, the Reserve Corps and military academies, together with all associations which might serve to keep alive the military tradition in Germany.

c) You will seize or destroy all arms, ammunition and implements of war and stop the production thereof.

d) You will take proper steps to destroy the German war potential, as set forth elsewhere in this directive.

8.) Suspected War Criminals and Security Arrests.

a) You will search out, arrest, and hold, pending receipt by you of further instructions as to their

disposition, Adolf Hitler, his chief Nazi associates, other war criminals and all persons who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes.

b) All persons who, if permitted to remain at large would endanger the accomplishment of your objectives will also be arrested and held in custody until trial by an appropriate semi-judicial body to be established by you. The following is a partial list of the categories of persons to be arrested in order to carry out this policy:

(Note: There follows at this point in the directive a detailed list of categories of Nazi war criminals and others who are to be arrested. Some of those have not yet been found. It is considered that to publish the categories at this time would put the individuals concerned on notice and would interfere with their apprehension and punishment, where appropriate. The list of categories is, therefore, withheld from publication for the present.)

If in the light of conditions which you encounter in Germany, you believe that it is not immediately feasible to subject certain persons within these categories to this treatment, you should report your reasons and recommendations to your government through Joint Chiefs of Staff. If you believe it desirable, you may postpone the arrest of those whose cases you have reported pending a decision communicated to you by the J.C.S. In no event shall any differentiation be made between or special consideration be accorded to persons

arrested, either as to manner of arrest or conditions of detention, upon the basis of wealth or political, industrial, or other rank or position. In your discretion you may make such exceptions as you deem advisable for intelligence or other military reasons.

9.) Political Activities:

a) No political activities of any kind shall be countenanced unless authorized by you. You will assure that your military government does not become committed to any political group.

b) You will prohibit the propagation in any form of Nazi, militaristic or pan-German doctrines.

c) No German parades, military or political, civilian or sports, shall be permitted by you.

d) To the extent that military interests are not prejudiced and subject to the provisions of the three preceding subparagraphs and of paragraph 10, freedom of speech, press and religious worship will be permitted. Consistent with military necessity, all religious institutions will be respected.

10.) Public Relations and Control of Public Information:

As a member of the Control Council, you will endeavor to obtain agreement for uniform or coordinated policies with respect to (a) control of public information media in Germany, (b) accrediting of foreign correspondents, (c) press censorship, and (d) issuance official news communiques dealing with Control Council matters. United States policies in these matters will be

sent to you separately and you will be guided by those in your negotiations on the Control Council.

11.) German Courts:

a) All extraordinary courts, including the Volksgerichtshof (People's Court) and the Sondergerichte (Special Courts), and all courts and tribunals of the Nazi Party and of its formations affiliated associations and supervised organizations will be abolished immediately.

b) All ordinary criminal, civil and administrative courts, except those previously re-established by order of the military government, will be closed. After the elimination of all Nazi features and personnel you will permit those which are to exercise jurisdiction within the boundaries of your zone to resume operations under such regulations, supervision and control as you may consider appropriate. Courts which are to exercise jurisdiction over territory extending beyond the boundaries of your zone will be reopened only with the express authorization of the Control Council and under its regulation, supervision and control. The Power to review and veto decisions of German courts shall be included within the power of supervision and control.

12.) Police.

With the exception of the Reichskriminalpolizei (Criminal Police) all elements of the Sicherheitspolizei (Security Police), e.g. Geheime Staatspolizei (Gestapo), and the Sicherheitsdienst der S.S. will be abolished.

Criminal and ordinary police will be purged of Nazi personnel and utilized under the control and supervision of

the military Government.

13.) Political prisoners:

Subject to military security and the interests of the individuals concerned, you will release all persons found within your zone who have been detained or placed in custody on grounds of race, nationality, creed or political opinions and treat them as displaced persons. You should make provision for the review of convictions of alleged criminal offenses about which there may be substantial suspicion of racial, religious or political persecution, and in which sentences of imprisonment have not been fully served by persons imprisoned within your zone.

14.) Education:

a) All educational institutions within your zone except those previously reestablished by Allied authority will be closed. The closure of Nazi educational institutions such as Adolf Hitler Schulen, Napolcs and Ordensburg, and of Nazi organizations within other educational institutions will be permanent.

b) A coordinated system of control over German education and an affirmative program of reorientation will be established designed completely to eliminate Nazi and militaristic doctrines and to encourage the development of democratic ideas.

c) You will permit the reopening of elementary (Volksschulen), middle (Mittelschulen) and vocational (Berufsschulen) schools at the earliest possible date

after Nazi personnel has been eliminated. Textbooks and curricula which are not free of Nazi and militaristic doctrine shall not be used. The Control Council should devise programs looking toward the reopening of secondary schools, universities and other institutions of higher learning. After Nazi features and personnel have been eliminated and pending the formulation of such programs by the Control Council, you may formulate and put into effect an interim program within your zone and in any case may permit the reopening of such institutions and departments which offer training which you consider immediately essential or useful in the administration of military government and the purposes of the occupation.

d. It is not intended that the military government will intervene in questions concerning denominational control of German Schools, or in religious instruction in German schools, except insofar as may be necessary to insure that religious instruction and administration of such schools conform to such Allied regulations as are or may be established pertaining to purging of personnel and curricula.

15. Arts and Archives:

Subject to the provisions of paragraph 6 above, you will make all reasonable efforts to preserve historical archives, museums, libraries and works of art.

PART II: ECONOMIC

General Objectives and Methods of Control

16. You will assure that the German economy is administered and controlled in such a way as to accomplish the basic

objectives set forth in paragraph 4 and 5 of this Directive. Economic controls will be imposed only to the extent necessary to accomplish these objectives, provided that you will impose controls to the full extent necessary to achieve the industrial disarmament of Germany. Except as may be necessary to carry out these objectives, you will take no steps (a) looking toward the economic rehabilitation of Germany, or (b) designed to maintain or strengthen the German economy.

17.) To the maximum extent possible without jeopardizing the successful execution of measures required to implement the objectives outlined in paragraphs 4 and 5 of this directive you will use German authorities and agencies and subject them to such supervision and punishment for non-compliance as is necessary to ensure that they carry out their tasks.

For this purpose you will give appropriate authority to any German agencies and administrative services you consider essential; provided, however, that you will at all times adhere strictly to the provisions of this directive regarding denazification and dissolution or elimination of Nazi organizations, institutions, principles, features, and practices.

To the extent necessary you will establish administrative machinery, not dependent upon German authorities and agencies, to execute or assure the executions of the provisions of paragraphs 19, 20, 30, 31, 32, 39 and 40, and any other measures necessary to an accomplishment of your industrial disarmament objectives.

18.) In order to decentralize the structure and administration

of the German economy to the maximum possible extent, you will

a) ensure that the action required to maintain or restore essential public utilities and industrial and agricultural activities is taken as far as possible on a local and regional basis;

b) on no account propose or approve in the Control Council the establishment of centralized administration of controls over the German economy except where such centralization of administration is clearly essential to the fulfilment of the objectives listed in paragraphs 4 and 5 of this directive. Decentralization in administration should not be permitted to interfere with attainment of the largest practicable measure of agreement on economic policies in the Control Council.

19.) You will institute or assure the maintenance of such statistical records and reports as may be necessary in carrying out the objectives listed in paragraphs 4 and 5 of this directive.

20.) You will initiate appropriate surveys which may assist you in achieving the objectives of the occupation. In particular you will promptly undertake surveys of supplies, equipment and resources in your zone. You will endeavor to obtain prompt agreement in the Control Council to the making of similar surveys in the other zones of occupation, and you will urge appropriate steps to coordinate the methods and results of these and other future surveys conducted in the various zones. You will keep the Control Council, United States Representative on the Reparation Commission and other

appropriate authorities, currently apprised of the information obtained by means of intermediate reports or otherwise.

German Standard of Living.

21.) You will estimate requirements of supplies necessary to prevent starvation or widespread disease or such civil unrest as would endanger the occupying forces. Such estimates will be based upon a program whereby the Germans are made responsible for providing for themselves, out of their own work and resources. You will take all practicable economic and police measures to assure that German resources are fully utilized and consumption held to the minimum in order that imports may be strictly limited and that surpluses may be made available for the occupying forces and displaced persons and United Nations prisoners of war, and for reparation.

You will take no action that would tend to support basic living standards in Germany on a higher level than that existing in any one of the neighboring United Nations and you will take appropriate measures to ensure that basic living standards of the German people are not higher than those existing in any one of the neighboring United Nations when such measures will contribute to raising the standards of any such nation.

22.) You will urge upon the Control Council that uniform ration scales be applied throughout Germany, that essential items be distributed equitably among the zones, that not surpluses be made available for export to Allied countries, and that imports be limited to the net deficits of Germany as a whole.

Labour , Health, and Social Insurance.

23.) You will permit the self-organization of employees along democratic lines, subject to such safeguards as may be necessary to prevent the perpetuation of Nazi or militarist influence under any guise or the continuation of any group hostile to the objectives and operations of the occupying forces.

24.) You will permit free collective bargaining between employees and employers regarding wage, hour and working conditions and the establishment of machinery for the settlement of industrial disputes. Collective bargaining shall be subject to such wage, hour and other controls, if any, as may be instituted or revived by your direction.

25.) Subject to the provisions of paragraph 48 of this directive you are authorized to direct German authorities to maintain or reestablish nondiscriminatory systems of social insurance and poor relief.

26.) You are authorized to direct the German authorities to maintain or reestablish such health services and facilities as may be available to them.

Agriculture , Industry and Internal Commerce.

27.) You will require the Germans to use all means at their disposal to maximize agricultural output and to establish as rapidly as possible effective machinery for the collection and distribution of agricultural output.

28.) You will direct the German authorities to utilize large-landed estates and public lands in a manner which will facilitate the accommodation and settlement of Germans

and others or increase agricultural output.

29.) You will protect from destruction by the Germans, and maintain for such disposition as is determined by this and other directives or by the Control Council, all plants, equipment, patents and other property, and all books and records of large German industrial companies and trade and research associations that have been essential to the German war effort or the German economy. You will pay particular attention to research and experimental establishments of such concerns.

30.) In order to disarm Germany, the Control Council should

- a) prevent the production, acquisition by importation or otherwise, and development of all arms, ammunition and implements of war, as well as all types of aircraft, and all parts, components and ingredients specially designed or produced for incorporation therein;
- b) prevent the production of merchant ships, synthetic rubber and oil, aluminum and magnesium and any other products and equipment on which you will subsequently receive instructions;
- c) seize and safeguard all facilities used in the production of any of the items mentioned in this paragraph and dispose of them as follows:
 - (1) remove all those required for reparation;
 - (2) destroy all those not transferred for reparation if they are especially adapted to the production of the items specified in this paragraph and are not of a type generally used in industries

permitted to the Germans (cases of doubt to be resolved in favor of destructions);

(3) hold the balance for disposal in accordance with instructions which will be sent to you.

Pending agreement in the Control Council you will take these measures in your own zone. You will not postpone enforcement of the prohibitions contained in subparagraphs a and b and the instructions in subparagraph c without specific approval of your government through the Joint Chiefs of Staff except that, in your discretion, you may permit the production of synthetic rubber and oil, aluminum and magnesium, to the minimum extent necessary to meet the purposes stated in paragraphs 4 and 5 of the directive pending action by the Joint Chiefs of Staff upon such recommendation for postponement as you may make.

31.) As an additional measure of disarmament, the Control Council should

(a) prohibit initially all research activities and close all laboratories, research institutions and similar technical organizations except those considered necessary to the protection of public health;

(b) abolish all those laboratories and related institutions whose work has been connected with the building of the German war machine, safeguard initially such laboratories and detain such personnel as are of interest to your technological investigations, and thereafter remove or destroy their equipment;

(c) permit the resumption of scientific research in specific cases, only after careful investigation has established that the contemplated research will in no way

contribute to Germany's future war potential and only under appropriate regulations which (1) define the specific types of research permitted, (2) exclude from further research activity any persons who previously held key positions in German war research, (3) provide for frequent inspection, (4) require free disclosure of the results of the research and (5) impose severe penalties, including permanent closing of the offending institution, whenever the regulations are violated.

Pending agreement in the Control Council you will adopt such measures in your own zone.

32.) Pending final Allied agreements on reparation and on control or elimination of German industries that can be utilized for war production, the Control Council should

a) prohibit and prevent production of iron and steel, chemicals, non-ferrous metals (excluding aluminum and magnesium), machine tools, radio and electrical equipment, automotive vehicles, heavy machinery and important parts thereof, except for the purposes stated in paragraphs 4 and 5 of this directive;

b) prohibit and prevent rehabilitation of plant and equipment in such industries except for the purposes stated in paragraphs 4 and 5 of this directive; and

c) safeguard plant and equipment in such industries for transfer on reparation account.

Pending agreement in the Control Council, you will put such measures into effect in your own zone as soon as you have had an opportunity to review and determine production necessary for the purposes stated in paragraphs 4 and 5 of this directive.

33.) The Control Council should adopt a policy permitting the conversion of facilities other than those mentioned in paragraphs 30 and 32 to the production of light consumer goods, provided that such conversion does not prejudice the subsequent removal of plant and equipment on reparations account and does not require any imports beyond those necessary for the purposes specified in paragraphs 4 and 5 of this directive. Pending agreement in the Control Council, you may permit such conversion in your zone.

34.) Subject to the provisions of paragraphs 30 and 32, the Control Council should assure that all feasible measures are taken to facilitate, to the minimum extent necessary for the purposes outlined in paragraphs 4 and 5 of this directive:

(a) repairs to and restoration of essential transportation services and public utilities;

(b) emergency repair and construction of the minimum shelter required for the civilian population;

(c) production of coal and any other goods and services (excluding goods specified in paragraphs 30 and 32 unless measures to facilitate production are specifically approved by this Government through the Joint Chiefs of Staff) required for the purposes outlined in paragraphs 4 and 5 of this directive.

You will assure that such measures are taken in your own zone pending agreement in the Control Council.

35.) In your capacity as zone commander and as member of the Control Council you will take steps to provide for the equitable interzonal distribution and the

movement of goods and services essential to the purposes set forth in paragraphs 4 and 5 of this directive.

36.) You will prohibit all cartels or other private business arrangements and cartel-like organizations, including those of a public or quasi public character such as the Virtschaftsgruppen providing for the regulation of marketing conditions, including production, prices, exclusive exchange of technical information and processes, and allocation of sales territories. Such necessary public functions as have been discharged by these organizations shall be absorbed as rapidly as possible by approved public agencies.

37.) It is the policy of your government to effect a dispersion of the ownership and control of German industry. To assist in carrying out this policy you will make a survey of combines and pools, mergers, holding companies and interlocking directorates and communicate the results, together with recommendations, to your government through the Joint Chiefs of Staff. You will endeavor to obtain agreement in the Control Council to the making of this survey in the other zones of occupation and you will urge the coordination of the methods and results of this survey in the various zones.

38.) With due regard to paragraph 4c, the Control Council should adopt such policies as are clearly necessary to prevent or restrain inflation of a character or dimension which would definitely endanger accomplishment of the objectives of the occupation. The Control Council, in particular, should direct and empower German authorities to maintain or establish controls over prices and wages

and to take the fiscal and financial measures necessary to this end. Pending agreement in the Control Council you will assure that such measures as you consider necessary are taken in your own zone. Prevention or restraint of inflation shall not constitute an additional ground for the importation of supplies, nor shall it constitute an additional ground for limiting removal, destruction or curtailment of productive facilities in fulfillment of the program for reparation, demilitarization and industrial disarmament.

Power, Transportation, and Communications.

39.) Both as member of the Control Council and zone commander you will take appropriate steps to ensure that

a) power, transportation and communications facilities are directed in such a way as to carry out the objectives outlined in paragraphs 4 and 5 of this Directive;

b) Germans are prohibited and prevented from producing, maintaining or operating all types of aircraft.

You will determine the degree to which centralized control and administration of power, transportation and communications is clearly necessary for the objectives stated in paragraphs 4 and 5 and urge the establishment of this degree of centralized control and administration by the Control Council.

Foreign Trade and Reparation.

40.) The Control Council should establish centralized control over all trade in goods and services with foreign countries. Pending agreement in the Control Council you

will impose appropriate controls in your own zone.

41.) Both as member of the Control Council and as zone commander you will take appropriate steps to ensure that

a) the foreign trade controls are designed to carry out the objectives stated in paragraphs 4 and 5 of this Directive;

b) imports which are permitted and furnished to Germany are confined to those unvoicably necessary to the objectives stated in paragraphs 4 and 5;

c) exports to countries other than the United Nations are prohibited unless specifically authorized by the Allied government.

42.) Both as member of the Control Council and as zone commander you will adopt a policy which would forbid German firms to participate in international cartels or other restrictive contracts and arrangements and order the prompt termination of all existing German participations in such cartels, contracts and arrangements.

43.) You will carry out in your zone such programs of reparation and restitution as are embodied in Allied agreements and you will seek agreement in the Control Council on any policies and measures which it may be necessary to apply throughout Germany in order to ensure the execution of such programs.

PART III. FINANCIAL

44.) You will make full application in the financial field of the principles stated elsewhere in this directive and you will endeavor to have the Control Council adopt uniform

financial policies necessary to carry out the purposes stated in paragraphs 4 and 5 of this directive. You will take no steps designed to maintain, strengthen or operate the German financial structure except in so far as may be necessary for the purposes specified in this directive.

45.) The Control Council should regulate and control to the extent required for the purposes set forth in paragraphs 4 and 5 the issue and volume of currency and the extension of credit in Germany and in accordance with the following principles:

a) United States forces and other Allied forces will use Allied Military marks and Reichsmark currency or coins in their possession. Allied Military marks and Reichsmark currency and coin now in circulation in Germany will be legal tender without distinction and will be interchangeable at the rate of 1 Allied Military mark for 1 Reichsmark. Reichskreditkassenscheine and other German Military currency will not be legal tender in Germany.

b) The Reichsbank, the Rentenbank or any other bank or agency may be permitted or required to issue bank notes and currency which will be legal tender; without such authorization no German governmental or private bank or agency will be permitted to issue bank notes or currency.

c) The German authorities may be required to make available Reichsmark currency or credits free of cost and in amounts sufficient to meet all the expenses of the forces of occupation, including the cost of Allied Military Government and including to the extent that compensation is made therefore, the cost of such private property as may be requisitioned, seized, or otherwise.

acquired, by Allied authorities for reparations or restitution purposes.

Pending agreement in the Control Council you will follow these policies in your own zone.

You will receive separate instructions relative to the currency which you will use in the event that for any person adequate supplies of Allied Military marks and Reichsmarks are not available, or if the use of such currency is found undesirable.

You will not announce or establish in your zone, until receipt of further instructions, any general rate of exchange between the Reichsmark on the one hand and the U.S. Dollar and other currencies on the other.

However, a rate of exchange to be used exclusively for pay of troops and military accounting purposes in your zone will be communicated separately to you.

46.) Subject to any agreed policies of the Control Council, you are authorized to take the following steps and to put into effect such further financial measures as you may deem necessary to accomplish the purposes of your occupation.

a) To prohibit, or to prescribe regulations regarding transfer or other dealings in private or public securities or real estate or other property.

b) To close banks, but only for period long enough for you to introduce satisfactory control, to remove Nazi and other undesirable personnel, and to issue instructions for the determination of accounts to be blocked under subparagraph 48 e below.

c) To close stock exchanges, insurance companies, and similar financial institutions for such periods as

you deem appropriate.

d) To establish a general or limited moratorium or moratoria only to the extent clearly necessary to carry out the objectives stated in paragraphs 4 and 5 of this directive.

47.) Resumption of partial or complete service on the internal public debt at the earliest feasible date is deemed desirable. The Control Council should decide the time and manner of such resumption.

48.) Subject to any agreed policies of the Control Council,

c) You will prohibit

(1) the payment of all military pensions, or emoluments or benefits, except compensation for physical disability limiting the recipient's ability to work, at rates which are no higher than the lowest of those for comparable physical disability arising from non-Military causes.

(2) the payment of all public or private pensions or other emoluments or benefits granted or conferred:

a) by reason of membership in or services to the former Nazi Party, its formations, affiliated associations or supervised organizations,

b) to any person who has been removed from an office or position in accordance with paragraph 6 and

c) to any person arrested and detained in accordance with paragraph 8 during the term of his arrest, or permanently, in case of his subsequent conviction.

b) You will take such action as may be necessary to insure that all laws and practices relating to taxation or other fields of finance, which discriminate for or

against any persons because of race , nationality, creed or political opinion , will be amended, suspended, or abrogated to the extent necessary to eliminate such discrimination.

c) You will hold the German authorities responsible for taking such measures in the field of taxation and other fields of public finance, including restoration of the tax system and maintenance of tax revenues, as will further the accomplishment of the objectives stated in paragraphs 4 and 5.

d) You will exercise general supervision over German public expenditures in order to ensure that they are consistent with the objectives stated in paragraphs 4 and 5.

e) You will impound or block all gold, silver, currencies, securities, accounts in financial institutions , credits, valuable papers, and all other assets falling within the following categories:

(1) Property owned or controlled directly or indirectly, in whole or in part, by any of the following:

(a) the German Reich, or any of the Länder , Gau or provinces, any Kreis, Municipality or other similar local subdivision; or any agency or instrumentality of any of them including all utilities, undertakings, public corporations or monopolies under the control of any of the above;

(b) Governments , nationals or residents of other nations, including those of territories occupied by them, at war with any of the United Nations at any time since 1 September 1939;

(c) the Nazi Party , its formations, affiliated associations and supervised organizations, its officials, leading members and supporters;

(d) All organizations , clubs or other associations prohibited or dissolved by military government;

(e) Absentee owners, of non-German nationality including United Nations and neutral governments and Germans outside of Germany;

(f) Any institution dedicated to public worship, charity, education or the arts and sciences which has been used by the Nazi Party to further its interests or to cloak its activities;

(g) Persons subject to arrest under provisions of paragraph 8, and all other persons specified by military government by inclusion in lists or otherwise.

(2) Property which has been the subject of transfer under duress or wrongful acts of confiscation, disposition or spoliation, whether pursuant to legislation or by procedure purporting to follow forms of law or otherwise.

(3) Works of art or cultural material of value or importance , regardless of the ownership thereof.

You will take such action as will insure that any impounded or blocked assets will be dealt with only as permitted under licenses or other instructions which you may issue. In the case particularly of property blocked under (1) (c) above, you will proceed to adopt licensing measures which while maintaining such property under surveillance would permit its use in consonance

with this directive. In the case of property blocked under (2) above, you will institute measures for prompt restitution, in conformity with the objectives stated in paragraphs 4 and 5 and subject to appropriate safeguards to prevent the cloaking of Nazi and militaristic influence.

49.) All foreign exchange transactions, including those arising out of exports and imports, shall be controlled with the aim of preventing Germany from developing a war potential and of achieving the other objectives set forth in this directive. To effectuate these purposes the Control Council should

a) Seek out and reduce to the possession and control of a special agency all German (public and private) foreign exchange and external assets of every kind and description located within or outside Germany.

b) Prohibit, except as authorized by regulation of licence, all dealings in gold, silver, foreign exchange, and all foreign exchange transactions of any kind. Make available any foreign exchange proceeds of exports for payment of imports directly necessary to the accomplishment of the objectives stated in paragraphs 4 and 5 of this directive, and authorize no other outlay of foreign exchange assets except for purposes approved by the Control Council or other appropriate authority.

c) Establish effective controls with respect to all foreign exchange transactions, including:

(1) Transactions as to property between persons inside Germany and persons outside Germany;

(2) Transactions involving obligations owed by or to become due from any person in Germany to any person outside Germany; and

(3) Transactions involving the importation into or exportation from Germany of any foreign exchange asset or other form of property.

Pending agreement in the Control Council, you will take in your zone the action indicated in subparagraphs a, b, and c above. Accordingly, you will in your zone reduce to the possession and control of a special agency established by you, within your Command, all German foreign exchange and external assets as provided in subparagraph a. You will endeavor to have similar agencies for the same purpose established in the other zones of occupation and to have them merged as soon as practicable in one agency for the entire occupied territory. In addition you will provide full reports to your government with respect to all German foreign exchange and external assets.

50.) No extension of credit to Germany or Germans by any foreign person or Government shall be permitted except that the Control Council may in special emergencies grant permission for such extensions of credit.

51.) It is not anticipated that you will make credits available to the Reichsbank or any other bank or to any public or private institution. If, in your opinion, such action becomes essential, you may take such emergency actions as you may deem proper, but in any event, you will report the facts to the Control Council.

DOCUMENT BOOK 7 SCHNITZLER
SCHNITZLER-DOCUMENT No. 109

52.) You will maintain such accounts and records as may be necessary to reflect the financial operations of the military government in your zone and you will provide the Control Council with such information as it may require, including information in connection with the use of currency by your forces, any governmental settlements, occupation costs, and other expenditures arising out of operations or activities involving participation of your forces.

Above photo copies represent the word by word and true photographic content of the 19 pages 193-211 of the book: "Documents on American Foreign Relations, Vol. VII, July 1944-June 1945 Edited by Leland M. Goodrich and Marie J. Carroll.

Published for the World Peace Foundation by Princeton University Press."

This is herewith officially certified.

Stuttgart, 2 March 1948

Notary Public:

Stamp

Document roll No. 15/1948

Value: irrelevant

Fee according to par. 49, KO since foreign language

---.30 RM.

each page, total	RM. 5.70
Tax 3%	RM. -.18

Total:	RM. 5.88

I, Dr. Walter S i e m e r s, Attorney at law residing in
Hamburg, at present Defense Counsel before the American
Military Tribunal in Muerberg, hereby certify that the
attached copy conforms literally to the excerpt from

Official Bulletin
of the Control Council in Germany

Number 1

29 October 1945

Proclamation No. 2

Preamble along with figures 12, 19 a and 20 - 23 b.

Muerberg, 2 January 1948

(Dr. Siemens)

Excerpt from:

Legal Gazette for the
Control Council in Germany
Number 1
29 October 1945

Proclamation No. 2

Certain Additional Requirements Imposed
on Germany.

We, the Allied Representatives, Commanders-in-Chief of the forces of occupation of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the French Republic, pursuant to the Declaration regarding the defeat of Germany, signed at Berlin on 5th June 1945, hereby announce certain additional requirements arising from the complete defeat and unconditional surrender of Germany with which Germany must comply, (in so far as these have not already been fulfilled), as follows: -

.....

Section V

12. The Allied Representatives will exercise such controls as they deem necessary overall or any part or aspect of German finance, agriculture (including forestry), production and mining, public utilities, industry, trade, distribution

- 2 -

and economy generally, internal and external, and over all related or ancillary matters, including the direction or prohibition of the manufacture, production, construction, treatment, use and disposal of any buildings, establishments, installations, public or private works, plant equipment, products, materials, stocks or resources. Detailed statements of the subjects to which the present provision applies, together with the requirements of the Allied Representatives in regard thereto, will from time to time be communicated to the German authorities.

13. a)

Section VI

19. a) The German authorities will carry out, for the benefit of the United Nations, such measures of restitution, reinstatement, restoration, reparation, reconstruction, relief and rehabilitation as the Allied Representatives may prescribe. For these purposes the German authorities will effect or procure the surrender or transfer of such property, assets, rights, titles and interests, effect such deliveries and carry out such repair, building and construction work, whether in Germany or elsewhere, and will provide such transport, plant, equipment and materials of all kinds, labour, personnel, and specialist and other services, for use in Germany or elsewhere, as the Allied Representatives may direct.

- 3 -

b).....

20. The German authorities will supply free of cost such German currency as the Allied Representatives may require, and will withdraw and redeem in German currency, within such time limits and on such terms as the Allied Representatives may specify, all holdings in German territory of currencies issued by the Allied Representatives during military operations or occupation, and will hand over the currencies so withdrawn free of cost to the Allied Representatives.

21.) The German authorities will comply with all such directions as may be issued by the Allied Representatives for defraying the costs of the provisioning, maintenance, pay, accommodation and transport of the forces and agencies stationed in Germany by authority of the Allied Representatives, the costs of executing the requirements of unconditional surrender, and payment for any relief in whatever form it may be provided by the United Nations.

22. The Allied Representatives will take and make unrestricted use (whether inside or outside Germany) of any articles referred to in paragraph 12 above which the Allied Representatives may require in connection with the conduct of hostilities against any country with which any of their respective Governments is at war.

Section VII

23. a) No merchant ship, including fishing or other craft, shall put to sea from any German port except as may be sanctioned or directed by the Allied

- 4 -

Representatives. German ships in ports outside Germany shall remain in port and those at sea shall proceed to the nearest German or United Nations port and there remain, pending instructions from the Allied Representatives.

b) All German merchant shipping, including tonnage under construction or repair, will be made available to the Allied Representatives for such use and on such terms as they may prescribe.

c)

I, Dr. Walter Siemers, attorney at law residing in Nuremberg,
at present Defense Counsel before the American Military Tribunal
in Nuremberg, hereby certify that the attached document,

Law No. 9

Providing for the Seizure of Property
owned by I.G. Farbenindustrie and the Control
thereof

is copied literally from the

Official Bulletin of the
Control Council in Germany
Number 2
30 November 1945
Page 34

Nuremberg, 19 March 1948.

(Dr. Siemers)

Excerpt from:

Official Bulletin
of the Control Council
in Germany

Number 2
30 November 1945
Page 54

L a w No. 9

Providing for the Seizure of Property owned by I.G.
Farbenindustrie and the Control thereof.

In order to insure that Germany will never again threaten her neighbours or the peace of the world, and taking into consideration that I.G. Farbenindustrie knowingly and prominently engaged in building up and maintaining the German war potential, the Control Council enacts as follows: -

Article I

All plants, properties and assets of any nature, situated in Germany which were, on or after 8 May 1945, owned or controlled by I.G. Farbenindustrie A.G., are hereby seized by and the legal title thereto vested in Control Council.

Article II.

In order to control the seized plants, properties and assets which belonged to I.G. Farbenindustrie, there shall be created a Committee consisting of four Control Officers appointed by the respective Zone Commanders. Policies agreed upon by the Committee on behalf of the Control Council shall be implemented in each Zone by the Zone Commander, acting through his Control Officer.

Article III

The Committee shall accomplish the following ultimate objectives in respect of the plants, properties, assets and activities of I.G. Farbenindustrie A.G.:

- a) Making certain plants and assets available for reparations.
- b) Destruction of certain plants used exclusively for war-making purposes.
- c) Dispersion of ownership or remaining plants and assets.
- d) Termination of cartel relationships.
- e) Control of research.
- f) Control of production activities.

Plants reported by the Committee as available for reparations or for destruction shall be processed through the normal channels.

Article IV

All acts and things heretofore done or performed by the Zone Commanders, and their respective Control Officers in connection with seizing the management, direction and control of I.G. Farbenindustrie A.G. in their respective Zones, are hereby ratified, approved and confirmed.

Done at Berlin, 30th November 1945.

G. Zhukov
Marshal of the Soviet Union

J.T. McNarney
General U.S. Army

Sir B. L. Montgomery
Field Marshal

P. Koenig
General D'Armes

I, Walter S i o n e r s, attorney at law residing in Nuremberg,
at present Defense Counsel before the American Military
Tribunal in Nuremberg, hereby certify that the attached copy conforms
literally to the article

"Byrnes' Answers to Urgent Questions"
in "Die Neue Zeitung", 2nd year/number 72, of 9 September 1946.
Nuremberg, 7 February 1948

(Dr. Sioners)

Excerpts from:

Die Neue Zeitung

An American Newspaper for the German Population

9 September 1946

2 Year / Number 72

Byrnes' Answers to Burning Questions.

NZ Munich 8 September

In his speech J.F. Byrnes, US Secretary of State answered a number of burning questions which Germans and the peoples abroad have asked themselves for months. We summarize here the most important questions and answers.

- 1.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....

7. What is the opinion of the United States concerning the work of the Allied Control Council? Answer: "Concerning many vital problems, Germany is neither governed by the Control Council nor is she permitted to govern herself."

- 8.....
- 9.....
- 10.....
- 11.....
- 12.....
- 13.....
- 14.....
- 15.....
- 16.....
- 17.....
- 18.....
- 19.....
- 20.....
- 21.....
- 22.....
- 23.....
- 24.....

I, Dr. Walter Siemers, attorney in Hamburg at this time defense counsel at the Military Tribunal in Nuremberg, certify that the attached document:

Excerpt from:

"THE DIRECTIVES OF THE GOVERNMENT OF THE
UNITED STATES FOR GENERAL LUCIUS D. CLAY"

dated 17 July 1947.

is a literal copy from: "Die Neue Zeitung" of 18 July 1947.

Nuremberg 18 March 1948.

(Dr. Siemers)

Excerpt from:

"Die Neue Zeitung"

of 18 July 1947

The Directives of the Government of the United States for
General Lucius D. Clay dated 17 July 1947.

1. Purpose of this directive: This directive which you receive in your capacity of Commanding General of the Occupation Forces of the United States and Military Governor in Germany represents a delineation of the aims of the US Government in Germany and its basic policies. You are requested to implement it in the future. It replaces the resolutions of the Allied Chiefs of Staff No. 1067/6 and their supplements.

2. Authority of the Military Government:

a) Your authority as Military Governor is far-reaching and you are authorized to act as is proper and desirable for the realization of the aims of our Government in Germany, taking into account military requirements, in accordance with international agreements, the general foreign policy of our Government and the directive at hand.

b) Until an agreement has been reached which realizes the economic and political unity of Germany, you will do everything to achieve economic unity with the other zones.

- 2 -

3. The policy of the United States toward Germany: a just and enduring peace is in the basic interests of the United States. Such a peace can be established only if conditions for public order and well being are created for all of Europe. An orderly and thriving Europe requires the economic contributions of a stable and productive Germany, as much as it does the limitations guaranteeing that destructive militarism will not be resurrected in Germany.

In order to achieve the latter aim, the Government of the United States has suggested to the other occupation powers an agreement for the lasting disarmament and demilitarization of Germany and taken it upon itself to ^{maintain} an American occupation power as long as foreign occupation of Germany will last.

The Government of the United States, as a positive and immediate program considers desirable the reconstruction of a political, economic and moral situation in Germany which will make the most effective contribution for a secure and thriving Europe.

4.....
5.....
6.....
7.....
8.....
9;.....

10. War Crimes: You are to expend every effort to assist in the execution of all measures for the punishment of war crimes and to conclude them as soon as possible. These measures must be in accord with

the resolutions and recommendations pertaining to the organizations and their members as pronounced in the Judgment of the International Military Tribunal.

11.....
12.....
13.....

14.....
15.....

16. Economic disarmament and reparations:

a) Your Government desires also in the future that the principles of the Potsdam Agreement in regard to reparations and economic disarmament will be fulfilled.

b) Your Government believes that by establishing an industrial level, as finally agreed upon as a basis for removal of reparations, the elimination of the excessive industrial potential of Germany - which had been utilized for war purposes - is to be achieved, but not a permanent limitation of the German industrial potential. The German nation is not to be denied its right to develop, after the reparation period, its sources in order to better its living standard, assuming that this does not harbor the peril of rearmament.

c) Your Government will not approve Germany's being required to make more reparations than stated in the Potsdam agreement. Your Government also does not care to finance reparation payments of Germany to other United Nations by increasing

its expenses in Germany or by delaying the time when the German economy will be self-sustaining, Your Government again emphasizes the principle according to which the profits of the exports permitted is to be used primarily for the payment of the imports permitted.

d) You will try and achieve recognition by the Control Council of the principle that compensation will be paid for property confiscated for reparations or destroyed pursuant to the agreement concerning economic disarmament. Such compensation to be charged to the entire German economy. Excepting prohibited industries, you will try and insure as far as possible that no factory owned or controlled by foreigners is to be dismantled for purposes of reparations as long as German-owned factories are still available for this purpose.

e) You are further to assist in the uncovering of camouflaged German assets abroad and, if possible in their liquidation.

17) Repayment.

a)
b)
c)

d) It is the policy of your Government that persons or organizations who lost their property due to Nazi persecution are to be repaid or to be compensated for it and that those who have suffered damage or injury to their person by National Socialist persecution are to be compensated in German currency.

- 5 -

For assets coming within internal compensation regulations and for which no claims of ownership are made, you are to appoint suitable successor organisations.

18. to 27,.....

I, Dr. Walter Siemers, attorney in Hamburg, at this time defense counsel with the American Military Tribunal in Nuremberg, certify that the attached copy corresponds literally to the article entitled:

"An unseemly Question"

in "Wirtschafts Zeitung"

A Weekly Publication.

Year 2/ No. 28

Stuttgart // 11 July 1947

Nuremberg 4 January 1948

(Dr. Siemers)

Excerpt from:

"Wirtschafts Zeitung"

A Weekly Publication

Year 2/ No. 28

Stuttgart 11 July 1947

An unseemly question.

General Clay's press conferences have become a special publicity institution in the zone and concerning Germany. Up to now its like can not be found in other zones, neither in kind nor in intent. The journalists may ask what they like and the General answers promptly. An American reporter who regularly attends these conferences called them a short time ago: "an outstanding contribution to European politics" (N.Y. Herald Tribune, Paris 24 May "Democracy via Press Conference"). For the first time the American Military Government has taught German and European journalists their responsibility as guardians of public right to information concerning measures taken by the government and, he says, it is surprising that a four-star general is the teacher in this basic phase of democratization. Indeed, German journalists have learned quite a few things from General Clay, but also from their American colleagues. Some of them surely wish they could enjoy more of the quick give and take of the discussion between the experienced and routinized American reporters and the General, a discussion concerned with concrete matters and carried on tersely. They wish that this - always first - part of the press conference would be interpreted into German. Of course, any discussion loses its direct appeal when translated, no matter how excellently and thus it will probably be ^{necessary for} the German journalists to learn how to understand American,

and perhaps, that talk to be kept somewhat clearer and easier to understand for the German listener.

We do not know whether General Clay and the Military Government derives a benefit from these press conferences similar to that of the German Journalists. The questions have become terser and more concrete and, probably are directed more toward the core than at the beginning. And, because of that, they are of informational value to the Military Government concerning that which moves the Germans. During the last conference (in the I.G.-House in Frankfurt) a question was put which is of interest to not a few Germans, in particular to those Germans who attempt democratization. The questioner wanted to know in how far the decisions of the Control Council are based on the Hague Rules of Land Warfare. The answer to this question which, perhaps, was not well formulated, was in the negative. The lesson to be derived from it was remarkable: The question itself, as reproduced according to its meaning, was unseemly. The Germans themselves had disregarded the Hague Convention for years. If any of the Germans present should have forgotten it, they soon realized that the victors are not as yet ready to forget the German transgressions and, on their part to profess ^{to} International Law as applied in war time. The General's answer was a cold shower, we are not as far as that in the school for democracy. How good and fruitful it would be for the concept of democracy in Germany if the General soon would consider this question a seemly one and be able to answer positively that the Germans also will enjoy unlimited International Law and that they also may appeal to it.

O. H.

Document Book 7 Schnitzler
Doc. No. 115, Exhibit No:

REGIONAL COMMISSIONER'S OFFICE
H. Q. LAND NORTH RHEIN/WESTPHALIA
DUISSELDORF,

Ref. NR/RG/268/72

714 H.Q. C.C.G. B.E.
B.A.O.R.

23 October 1947

The Oberbürgermeister,
Essen

On the occasion of the recent visit of the Deputy
Military Governor to Land North Rhine/Westphalen, you took
the opportunity to bring the following points to the
notice of General Robertson:

Krupps Works: social and economic arguments against
dismantling.

Krupps Works: legal arguments against dismantling

Food Supplies

Domestic Fuel

Transport

Aerodrome

Memorandum prepared by Nutrition Board of German
Physicians

General Robertson has requested me to hand to you
the attached papers which contain brief answers to the
above points.

signed: W. Asbury
Regional Commissioner
Land North Rhine/Westphalia.

City of Essen

I certify that this document is a word by word copy
of the original letter of

Regional Commissioner W. Asbury to the Lord Mayor of the city of Essen of 23 October 1947. To this letter was attached a letter by General Robertson replying to the brief of the Lord Mayor of Essen. This enclosure is in excerpt attached to the letter of 23 October 1947. I certify that also this excerpt of the enclosure is a word by word copy of the original document.

Essen, 15 March 1948

For the City Council:

Sig. Schmidt
(Schmidt)

Senior City Inspector

Stamp: Seal of the City of Essen

ESSEN

Krupp Works - Legality

petition presented by German Authorities

ANSWER

The three opinions attached to the petition lay great stress on the provisions of the Land Warfare Regulations annexed to the Fourth Hague Convention of 18 October, 1907. These rules are, however, not applicable to the present occupation.

The present occupation of Germany has no exact precedent and such a situation was never envisaged by the authors of the Hague Convention. There is no German Government: supreme authority in Germany is exercised by the Four Commanders in Chief, each in his own Zone of Occupation, and also jointly in matters affecting Germany as a whole. In view of the supreme authority vested in them, there is no limit on their powers save those which they choose to adopt.

The rules of the Hague Convention on Land Warfare and other relevant provisions of International Law have, during the world war, as on past occasions, been scrupulously observed by the forces under British Command. Article 42 et seq of the said Convention are, however, not applicable to Military Government as at present constituted in Germany and any allegation that measures taken by British Military Government constitute a violation of the said articles or of International Law are misconceived and beside the point.

The Control Council, and the Zonal Commanders in their respective functions, constitute the lawfully

-2-

established supreme organ of Government of Germany in all respects and one of the principal duties of the Control Council is the elimination of excessive concentration of or control of German industry which could be used for Military production. The Krupp complex is one of the greatest of these concentrations in all Germany and British Military Government has made and communicated to the inhabitants of Essen its decisions as to what portions will be retained.

I, Dr. Walter S i e n e r s, attorney at law in Hamburg, at present
Defense Counsel before the American Military Tribunal in
Hamburg, hereby certify that the attached article:

"The Decisive Question of Law"

by Dr. Dr. Gustav Heinenann

Justizminister of the Land Nordrhein-Westfalen

is copied literally from:

"Die Welt"

of 15. XI. 1947.

Hamburg, 22 March 1948

(Dr. Sieners)

"Die Welt" of 15. XI. 1947

The Decisive Question of Law

by Dr. Dr. Gustav Heinemann

Justizminister of the Land Nordrhein-Westfalen

The German people has a question of law to put to the conquering powers: Where are the limits of the powers of the Control Council? In June of this year the Military Government announced the destruction of a part of the Krupp Works in Essen. Among the factory installations under consideration there are also plants of peacetime production along with armament plants. The city of Essen, therefore, has requested that this part of the Krupp Works be preserved and in defense of its interests has submitted three expert opinions on points of international law to, among others, the Military Governor of the British Zone, General Robertson. They unanimously plead that the powers of the Military Government with respect to interference with private property are limited by the rules of the Hague Rules of Land Warfare of 1907, which are applicable at least in spirit, ~~Excerpt~~ of the reply delivered by order of General Robertson on 23 October 1947 read as follows:

"The three expert opinions particularly emphasize the provisions of the Rules of Land Warfare of the 4th Hague Convention of 18 October 1907. These provisions, however, are not applicable to the present occupation. There is no exact precedent for the present occupation of Germany and such a situation was never envisaged by the authors of the Hague Convention. There is no German government; the supreme authority in Germany is exercised by the four Commanders-in-Chief, each of whom is competent for his own zone of occupation, and who make joint decisions concerning Germany as a whole. By virtue of the

- 2 -

supreme authority vested in them there are no limits to their sovereign powers except those which they set for themselves,...

Articles 42 et seq. of aforesaid Convention are not applicable to the Military Government as it exists in Germany at the present time. Any allegation that measures taken by the British Military Government constitute a violation of the aforesaid articles or of international law is to be ascribed to faulty judgment and is not in accordance with the facts. The Control Commission and the Commanders of the Zones acting in their respective functions represent in every respect the legally constituted, supreme governing body of Germany, and one of the main tasks of the Control Commission is the elimination of any excessive consolidation or the control of such German industry as could be used for purposes of war..."

This reply cannot be accepted as correct. I consider the following sentence its most important thesis: "By virtue of the supreme authority vested in them (that is, the four Zone Commanders) there are no limits to their sovereign powers except those which they set for themselves."

According to this the Military Government arrogates to itself an unlimited dictatorial power over the German people as a matter of principle. That cannot be recognized either politically or legally.

I am willing to assume that there is no exact precedent in international law for the present occupation of Germany and that our situation was not envisaged by the authors of the Hague Rules of Land Warfare. The Hague Rules of Land Warfare proceed from the assumption that two parties are engaged in a conflict which has not yet been brought to a conclusion. One party is the occupying power, the other is the occupied country or people, which continues to constitute a national entity of its own so long as no annexation

Page 2 of original cont'd.

has taken place and which continues to speak through
a government of its own, even if only through a government in exile.
This situation does not in fact exist for Germany. The
conflict with Germany

- 3 -

has been brought to a conclusion. Germany surrendered unconditionally. A national government of its own no longer exists. That is the distinction. The Allies have taken over the government of Germany and unite in the Control Council all the powers which a German central government might have. That is the unique feature for which there is apparently no precedent. However, within the meaning of international law Germany is still a state even if not a sovereign one. But that is what nevertheless makes various parts of the Hague Rules of Land Warfare applicable, at least in spirit.

The decisive question of law is whether a government by force is bound only by those limitations which it sets for itself. From the point of view of law the objection remains that the powers of a government by force must carry their limitations in themselves or otherwise a new chapter of lawlessness will be opened in the history of nations and international law will prove itself without vital force in face of new situations. If our German situation is without a precedent then the precedent has just now arisen which will give a fresh impulse to the further development of international law. Here I appeal for the cooperation of specialists in the international and constitutional law in Germany and abroad. It is also important to cope with the situation in the spirit of that justice which ^{is} now being dispensed to the German people for the first time. I am firmly convinced that the answer to my question will read otherwise than the one which the Military Government gave on 23 October 1947.

From the very nature of its commission even a government by force will have to yield before conquered nation's rights to existence. At this moment I shall not go any deeper into the question of whether these limitations were observed or transgressed in the specific case of the city of Essen, or whether they are observed when it is a question of German fishing trawlers, of the timber in the German forests, of the extent to which German dwellings are requisitioned by members of the occupation, of the detention of German prisoners of war after the end of th

- 4 -

conflict, of our being deprived of free foreign trade
and restricted to absolutely inadequate food rations, of the
detachment of the Saar district, or other problems affecting our destiny.
Surely even the German people has some rights in all these respects.

May the reply to this decisive question concerning our rights
be vouchsafed to us in the spirit of a genuine further
development of international law!

I, Dr. Walter S i e m e r s, attorney at law in Hamburg,
at present Defense Counsel before the American Military
Tribunal in Nuernberg, hereby certify that the attached copy
conforms literally to the article

"Soviet Note to the Powers"

in the newspaper "Voelkischer Beobachter", campaign organ of the
National Socialist movement of Greater Germany, Berlin
edition, Berlin, Monday, 18 September 1939, 261st Edition/
52nd year.

Hamburg, 20 January 1948

(Dr. Siemers)

Excerpt from:

Voelkischer Beobachter.

Campaign organ of the National Socialist movement of Greater Germany

Berlin - Edition

Berlin, Monday 18 September 1939 261st issue/52nd Year

Soviet Note to the Powers.

Moscow, 17 September

The memorandum of the Soviet government to the foreign governments concerning the entry of Soviet troops into Eastern Poland, the same version of which was sent to all missions in Moscow, has just been transmitted to the German ambassador also. The note reads as follows:

"Mr. Ambassador:

The Polish-German war has proven the internal untenability of the Polish State. Poland in the course of the ten days of operations has lost all her industrial areas and cultural centers. Warsaw as the capital of Poland no longer exists. The Polish Government has disintegrated and shows no signs of life. This means that the Polish State and its government have in fact ceased to exist. This invalidates existing agreements between the Soviet Union and Poland. Poland, left to herself and without leadership, has been transformed into a comfortable ground for any incident and surprise which might create

- 2 -

a threat to the Soviet Union. Consequently the Soviet Union, which has remained neutral up to now, no longer can continue a neutral attitude toward these facts.

Furthermore the Soviet Union can no longer remain indifferent to the fact that Ukrainians and White Russians, related to it by ties of blood, are left without protection and to their fate while living in Polish territory.

In the face of these facts the Supreme Command of the Red Army has been instructed by the Soviet Government to order its troops to cross the border and to take under its protection life and property of the population of the Western Ukraine and of Western Bjelo-Russia.

Simultaneously the Soviet Government intends to take all measures to lead the Polish nation away from this wretched war into which it was thrown by its unreasonable leaders and to enable it to take up peaceful pursuits again.

Please accept, Mr. Ambassador, the assurances etc. etc."

The cover letter by Foreign Commissar Molotov points out that the Soviet Union will adhere to a policy of neutrality relative to the States concerned.

- 79 -

I, Dr. Walter S i e n e r s, Attorney in Hamburg, at this time
defense counsel at the American Military Tribunal in Nuernberg,
certify that the attached copy is a literal transcript of an
article in:

"Die Zeit"

Weekly Publication for Politics, ~~Economy~~, ~~Science~~ and Culture

No. 44/18^t Year^{er}, Hamburg, 19 December 1946.

Nuernberg, 4 January 1948

(Dr. Sioners)

Present International Law

by Rudolf LAUN

The author, who is a Professor and Director of the Seminar for Public Law and Political Science at the University of Hamburg, has been known for decades as special expert in the field of international law.

(From "Die Zeit", weekly journal for Politics, Economy, Trade and Culture, No. 44/1, Year dated 19 December 1948, Hamburg)

The occupation of Germany has raised questions of international law which have not existed previously. Up to now it was believed that either the Hague Regulations concerning Customs and Methods of Land Warfare (Hague Convention) or a similar general international Customary Law protected the military occupied territories.

The Hague Convention is an international treaty which was signed in 1899 and 1907 by more than 40 States, almost all civilized countries, among them all eight great powers of that time, and in which they solemnly declared that this treaty was only the written expression of the already existing International Customary Law.

According to this law, the occupational power is not absolute master within an occupied territory but only so to speak a Deputy of the International Community or of the "Public Conscience" of the nations. The basic principles of humanity, the rights of the individual, the honour and the rights of the family and the sanctity of private property are to be respected, and only certain interference for the protection of the fighting or occupying forces is permitted. Payments in kind and services can only be requested to cover the needs of the occupational forces. Collective punishment can only be administered against

co-responsible parts of the population and can only consist of fines and similar punishment. That means, that many things, i.e. the socialisation of key industries, are not subject of the authority of the occupational forces.

The Allied Powers, however, have accepted the legal point of view that this Law is not to be applied in Germany at present. But States cannot - by individual treaties - separate themselves from the general International Law, not even following an unconditional surrender. Only the nations in their entirety can rescind general International law. Also, it cannot be argued that the Reich no longer exists and that therefore the occupational forces are not responsible to anyone for the adherence to the laws proclaimed in the Hague. Because these laws do not intend to protect only governments or parliaments but each and every individual of the fighting forces of the occupied territories, otherwise the reference to humanity and the protection of human rights would not make sense. Nor, by any chance, can it be argued that the Interallied Control Commission is, from now on, the sovereign Reich Legislator, that its decrees are internal German Reich Laws and therefore not subject to International Law. If that would be the case, its members could not be subject to four foreign legislative bodies and governments, they could only be responsible to the German people or to nobody, and the occupational forces would as far as they would be concerned, be enemy troops, or these troops would be entirely independent of their governments and would represent a German Army.

Considering the existing International Law, many things which happened in Germany since the begin of the occupation would

- 3 -

not be legal; this, however, does undoubtedly not agree with the legislative intentions of the Allied Power. If one therefore intends to describe the newly created law as a new "positive international Law", it must be said that the powers have created a new Special Law for Germany while the old law still exists and still remains valid for the relations between the rest of the States. The expression "Positive Law" means here, as always, that law which is actually and regularly abided, by, and, if not obeyed, carried out by force. "Positivity" of right is therefore in truth fact, mass obedience and should be distinguished from the validity of moral principles which exists, whether obeyed and enforced, or not. We bow to the new positive right, even if our sense of Justice disagrees, just as without the consent of our sense of justice, we had to bow to the positive right of the HITLER Regime, which was recognized by all foreign powers and which, being in possession of terrible weapons, made any resistance of defenseless individuals impossible.

Two "positive" International Laws are therefore applicable, in accordance with the desire of the victorious nations, a general and a special law for Germany. The equality of nations, thus far the basic principle of International Law, is no longer positive right. Perhaps some day a German government will sign a peace treaty that will legalize the special law and everything else that happened so far, in order to make it an integral part of the general international law.

The Nuremberg sentence, whatever one's personal opinion about it might be, takes it for granted that something, which so far has been considered "positive right," could also at the same time be "wrong". If that is correct (true), every positive "right"

- 4 -

without an exception, even the present occupational law and our future peace treaty should be examined, and this examination should be allowed, as to whether or not it represents "right" in other meanings (another sense). What does that all mean?

At this point it should be emphasized what I have been trying to convey since 1924, namely that the conception of what is "right" is not created by those who command, because after all that would mean only that might is right (the right of the stronger) as it exists in nature between a wild animal and its victim, but is created by the conception of right of those who have to obey.

The "public conscience" of the Hague Convention can only be the general conception of law of the nations, not merely the conception of law of some ministers and members of parliament.

One should, for instance, know: Would the majority of the civilized people of all nations, knowing the decisive true facts, declare by a completely free plebiscite, that the deportation of more than 13 million Germans from their thousand years old home in Eastern Germany and German-Bohemia, for the purpose of pushing outward a language frontier, was the true right, or would they hold up the democratic self administration of the people and the right of the individual to choose his own home?

The present Christmas is not the last in world history. Perhaps, one day, we will have a Christmas of understanding, of human rights, of self-determination and the respect for the true right, a Christmas of confidence, of sympathy and the lasting peace between mankind.

Frankfurt/Main, 9 February 1948

Gretschmarstrasse 16

Affidavit.

I, Dr. Gustav Kuepper, Attorney at Law and Notary Public
in Frankfurt/Main, Gretschmarstr. 16, after having been duly
warned that I make myself liable to punishment by rendering a false
affidavit and that my statements are made to be presented in
evidence before the Military Tribunal No. 6, in Nuernberg, herewith,
state in lieu of oath voluntarily and without duress the following:
Subsequent provisions are a word by word repetition of the
Military Government Regulation, Title 17, Property Control,
Edition of 14 March 1947, Change No. 2, Sect. 17/430:

"Sale Authorized. - The ICAK will authorize or direct
custodian, manager, or operating agent to provide the sale of
property:

- a. Whenever perishable property has been taken under control;
- b. After concurrence from interested branches of Military
Government, whenever property taken under control is subject to
deterioration or substantial depreciation, or loss of value.
- c. Whenever the cost of the upkeep or maintenance of
nonincome producing property will in time amount to a
sum equal to the value of the property;
- d. Upon recommendation of the Land Ministerpräsident or the
appropriate civil authorities in the case of Bremen,
Wesermünde and Berlin Sector, and with the approval of
CPCE."

I have read above statement carefully and countersigned same in
my own handwriting, but I have made corrections if necessary in my
own handwriting and initialed them and

- 2 -

herewith declare on oath that in this statement I have told the
pure truth according to the best of my knowledge and belief.

signed: Dr. Gustav Kuopper
(Dr. G. Kuopper)

The above signature of Attorney at Law Dr. Gustav Kuopper,
Frankfurt/Main, Gretscharstr. 16, whose identity has been
recognized by me, Dr. Walter Bachem, Nuernberg, Kernstr. 3, Eichler, is,
herewith, certified and attested by me.

Frankfurt/Main, 9 February 1948

Dr.
signed: /Walter Bachem
(Dr. Walter Bachem)

I, Dr. Walter S i e m e r s, Attorney at Law in Hanbury,
presently Defense Counsel with the American Military Tribunal in
Nurnberg, herewith certify that the enclosed copy conforms
word by word to the article

"The tasks of the I.G. Trustees"
of 10 July 1947

in the newspaper:

"Die Neue Zeitung"

An American newspaper for the German people.

3rd Year/No. 65

11 July 1947

Nurnberg, 10 January 1948

(Dr. W. Siegers)

Excerpt from:

"Die Neue Zeitung"

An American newspaper for the German people.

3rd Year/No. 55

11 July 1947

"The tasks of the I.G. Trustees"

NZ Munich, 10 July

The director of the Investigating Department of the I.G. Farben-Control Commission in Frankfurt, Lt. Colonel G.M. Percival, has laid before the newly appointed trustees of the Bavarian branches of the I.G. Farben concern an outline of the tasks awaiting them. They will take over direction of the individual firms in concordance with the I.G. Farben Control Commission formed on the basis of Control Council Law No. 9, and therewith will be in every respect fully responsible for the individual enterprises. They may carry out transactions at their own discretion and within the limits of German law dispose of the capital put to their disposal by the Military Government. Lt. Colonel Percival emphasized that in all difficulties the trustees may turn to the Control Commission, resp. the Finance Division of the Military Government in Frankfurt. To facilitate their work they may select a legal counselor, who will be paid by the Control Commission. They have the right to propose new firm names, which however must not contain any reference to former I.G. Farben plants. After assuming charge of his enterprise each trustee has to take stock of the property entrusted to him on hand of the Real Estate Register and other documents.

- 2 -

The trustees and custodians may employ personnel to assist them. Each trustee will be the manager of the total movable and immovable property of the enterprise to be taken over. Thereby he is subject to the control of the American I.G. Farben - Control Officer. The new legal relationship will be noted in the Real Estate Register, according to which the control officer can at any time revoke the rights. Also he may at any time revoke the appointment of trustees. The trustee is not entitled to transfer any rights to the property entrusted to him without express approval of the Control Officer. Wages and salaries are subject to approval by the Control Officer. Also the salary of the trustee is fixed by him. It is the duty of the trustee to see to it that the enterprise resume its former normal rate of production and achieve maximum efficiency. For the manufacture of goods not formerly produced, the approval of the Control officer is required. In trading the trustee is not bound by any restrictions. However, he requires written authorization by the Control Officer among other things for the establishing or liquidating of bank accounts, cancelling of mortgages and the acquisition of investment shares. The trustee may use without charge all patents that belonged to the I.G. Farben works. New patents are, as soon as the necessary requirements are met, to be registered in the name and in favor of the enterprise administered by the trustee.

Weiss (Flick) Doc. 1201

I, Dr. Walter S i o m e r s, Attorney at Law in Hamburg,

herewith certify that the enclosed copy is a word by word
reproduction of the article

"Unauthorized confiscation

US-British Protest in the Control Council for Austria"

in the

"Neue Zeitung"

of 11 August 1947

Nuernberg, 4 January 1948

(Dr. Siomers)

Excerpt from:

"Neue Zeitung"
of 11 August 1947

Unjustified Confiscation
US-British protest in the Control Council for Austria
Vienna, 10 August (DINA/Reuter)

The American High Commissioner in Austria, General Geoffrey Keyes, has protested in a note to the Soviet High Commissioner in Austria, General Vladimir Kurasow, against the occupation of the oil refineries at Lobau by Soviet troops. The refineries could not be considered as German property because the usufruct was held in equal parts by American and British parties.

According to AP the British representative on the Control Council for Austria demanded the withdrawal of the Soviet troops from the Lobau oil refinery and its return to Austrian administration. The head of the British delegation to the Four Power Commission for the Austrian treaty also made a sharp protest at the commission meeting, in which he was supported by his American colleagues. According to BBC the French authorities in Vienna declared that there were also French assets at the Lobau refineries. The Russian authorities, who had already begun the removal to Roumania, are said to have held up the removal as a result of the French protest.

Austrian government sources report, according to UP, that the Russian occupation authorities have confiscated plants in their zone in the course of the past month.

-2-

A Soviet military court in Vienna sentenced two Austrian policemen to ten years deportation in Siberia. Austrian government officials report on this, that the policemen were arrested because they had arrested a man in the Soviet sector of Vienna who had been guilty of "physical violence". It was later established that the person arrested was a member of the Soviet occupation forces. The Soviet news agency, Tass, reports from authoritative Soviet sources that the two policemen have been sentenced to 8 and 6 years in prison respectively and were in confinement on Austrian soil.

(Weiss (Flick) Doc no 1200

I, Dr. Walter SIEMERS, attorney in Hamburg, at present
defense counsel at the American Military Tribunal in
Nuernberg, herewith confirm that the attached copy agrees
word for word with the article:

" The Hague Convention and Requisitionings".
from the "Wirtschafts Zeitung", a weekly publication, 2nd
year, No. 33, Stuttgart, Friday, 15 August, 1947.

Nuernberg, 4 January 1948 (Dr. Siemers)

Excerpt from:

"Wirtschafts Zeitung",

A weekly publication, 2nd year, No. 33, Friday,

15 August 1947.

"The Hague Convention and Requisitionings".

Mannheim, 12 August.

The requisitionings occurred in the beginning of 1945 with the use of forms on which it was expressly stated that the requisitionings were to conform with article 53 of the supplement to the Hague Convention No. IV of 18 October 1907, of which the most important provision was listed under subsection 4 as follows:

"This property is required by the American Armed Forces and the requisitioning is in proportion to the total assets of the country."

There is no longer any such reference on the form generally used today.

K.S.

Document Book 7 Schnitzler
Doc. No: 123, Exhibit No:

I Attorney Holmuth HENZE, defense counsel before
the American Military Tribunal at Nuernberg, certify
herewith that the attached excerpt (title page and
page 564) from the book:

"The Banker's Almanac and Year Book for 1938-39."
page 564,

has been copied word for word.

Nurnberg, 15 March 1948

Helmuth Henze
Attorney

The
Bankers' Almanac and Year Book
for
1938 - 39

The ninety-fourth year of publication.

Being
a directory
of the
principal banks of the world
and
a bankers' guide of the principal
insurance offices.

Price 50/- nett

By post British Isles L 2 11s 3 d per Copy

By post Europe L 2 13s 3 d per Copy

By post USA and Canada S 17.50 per Copy

(duty paid)

By post Elsewhere L 2 14s 6 d per Copy

Proprietors and Publishers:

Thomas Skinner & Co. (Publishers) Ltd.

Gresham House, Old Broad Street, London E C 2

Printers and joint publishers:

Waterloo and Sons Limited,

Great Winchester Street, E.C.2, and 49, Parliament Street, S.W.1.

all rights reserved.

Made and printed in Great Britain

Seite 564

BANK GOSPODARSTWA KRAJOWEGO * 1, ALEJA JARZOLIMSKA,
Warsaw, Poland.

(The bank is a government institution)

Established -- 1924 through the fusion of three state institutions
--- Polski Bank Krajowy; State Reconstruction Bank; Credit Institute
of Gableian Towns.

President -- Roman Gorocki, D.C.C.L.

Telegraphic Address-- "Krajobank", for Head Office and
Branches.

Codes -- Bentley's; Peterson's 2nd ed; Rudolf Mosse

London Agents -- Anglo International Bank Limited; Barclays Bank
(Dominion, Colonial & Overseas); British Overseas Bank Limited;
Lazard Bros. & Co., Limited; Lloyds Bank Limited; Midland Bank
Limited.

New York Agents -- Chase National Bank of the City of New York;
Guaranty Trust Company of New York; Irving Trust Company; National
City Bank of New York; Bank of the Manhattan Company; Manufacturers
Trust Company; Public Bank and Trust Company of New York.

A f f i d a v i t

I, Dr. Max W i n k l e r, born 7 September 1875, have been made aware of the fact that I make myself liable to punishment by submitting a false affidavit. I declare in lieu of oath, that my statement is true and that it was made in order to be submitted as evidence before Military Tribunal VI at the Palace of Justice in Nuernberg, Germany.

I was City Councillor in Graudenz since 1907; at the beginning of the year 1914 I was elected to the City Council and became Mayor of Graudenz in the year 1919. After the end of the first world war and the cession of the City of Graudenz I moved to Berlin and became representative of the Democratic Party in the Prussian Diet. Since 1920 I acted constantly in an economic advisory capacity for the different parliamentary governments of the Reich and acted as an economic trustee for the parliamentary governments (all in all to 19 governments.)

After Hitler's rise to power, the then Secretary of State Funk asked me in March 1933, whether I was willing to continue to act in a similar capacity as a trustee for the government. I was surprised by this request, as I was a known Democrat. As it concerned ^a purely economic activity in the field in which I had in the meantime become a specialist, I declared myself ready to do so.

(Page 2 of original)

After the war had started, I was requested to act as trustee for the government in the occupied territories of the East in the interests of property.

By decree of 30 October 1939 (Reich Legal Gazette I Page 2125
..... the Reich government applied the Four Year Plan to the Eastern territories too. Inauguration of the Four Year Plan meant that under the leadership of the State, the economic enterprises in Eastern territories, largely deserted by their proprietors, were to be continued in operation in the interests of the country and the German Reich's economy. This continued operation of the plants was in part very difficult as the proprietors and /or the managers of the enterprises had in many cases taken along quite considerable values in property.

About in the middle of October 1939 I was appointed Chief of the Haupttreuhandstelle Ost, Berlin (Main Trustee Office East) by Goering, the Plenipotentiary for the Four Year Plan. The legal establishment of the Main Trustee Office East was published in the Reich Legal Gazette under the date of 6 November 1939. The following decrees, which will be of interest here, were published.

- a) the decree, already mentioned above under the date of 30 October 1939, regarding the inauguration of the Four Year Plan in the Eastern territories,
- b) the decree regarding the safeguarding of former Polish state property, dated 15 January 1940, Reich Legal Gazette I, Page 174,
- c) the decree regarding management of agricultural enterprises and estates in the Eastern territories dated 12 February 1940, Reich Legal Gazette I, Page 355,
- d) the ordinance regarding treatment of property belonging to citizens of the former Polish state, dated 17 September 1940, Reich Legal Gazette I, Page 1270.

(Page 3 of original)

e) the decree concerning the Main Trustee Office East dated 12 June 1940, Reich Legal Gazette of 17 June 1940.

The creation of the Main Trustee Office East was based on the idea, mentioned above, that the economic enterprises in the Eastern territories were to be continued.

These enterprises belonged partly to the State and partly to individuals. The Reich government, the Foreign Office, The Four Year Plan and all the government departments took the view that Poland had ceased to exist. The Polish government had fled, so that there no longer was a Polish government. Therefore the Reich government was obligated and authorized to exercise the governing powers, just as the Control Council does now in the German Reich.

I did not concur with the view point of the government in all points. Nevertheless I believed that I could carry out the functions of the head of the Main Trustee Office East, since here it was only a matter of purely economic questions, that is, of maintaining the economic life. Only in this way could the factories abandoned there be put to work, and only in this way could the workers be employed. As the title, Main Trustee Office, indicates, it was only a matter of trusteeship, and not a final settlement.

The enterprises were to be administered by commissars or trustees. Section 7 of the Decree of 17 September 1940 provided, however, that the trustee appointed by the Main Trustee Office East could also sell the property under certain exceptional circumstances, but only with special permission of the Main Trustee Office.

(Page 4 of original)

The provision for this exception is to be understood in the following way:

In many cases the administrator saw that an enterprise could not be continued any longer without outside help. This was especially the case if the owner or manager of the enterprise had taken too much of the operating supplies, or perhaps of the machinery and other necessities away. This brought about the danger that the enterprise might collapse financially and would have to be closed. The result of this would be that the property of the Polish owner would be a complete loss. In such cases my colleagues and I held it to be more correct economically to sell in order, on the one hand, to conserve the fortune of the owner, i.e. not to lose the investment through continued unprofitable operation of the enterprise, and to prevent, on the other hand, that the business be closed down and that thereby the economy of the occupied country be damaged. In such cases the administrator first had to attempt to continue operation, and for this purpose he could get credits from the Main Trustee Office East for the purchase of the necessary supplies. Only when it had been determined that this would not work in the long run and I had received a report on the enterprise concerned to that effect, did I grant permission to sell.

In section 9 of the Decree of 17 September 1940 the reimbursement of the Polish owners was already provided for. The manner and scope was to be set forth in an implementation decree. When I received the appointment from the Four Years Plan, that is from Goering, I immediately pointed out that the private owners would have to be reimbursed.

(Page 5 of original)

Goering agreed. Actually, however, no final decree was issued subsequently. I advised Goering repeatedly that such regulations would have to be issued. Goering agreed every time, but nothing happened.

But in the fall of 1940 Gauleiter Koch told me officially that Hitler did not want this question to be handled at this time, since the owners were not present at this time anyhow, and for that reason I should desist from further requests. Therefore I could do nothing further than to see to it that the monies continued to be administered in trust.

As a consequence of the above listed decrees, especially the Decree of 17 September 1940, the Polish dye plant Boruta AG was also under the trusteeship of the Main Trustee Office East, since it was located within the Eastern territories annexed to the German Reich. The administrative commissar appointed by the Main Trustee Office East attempted to continue the operation of the plant. The result was very bad due to the general economic situation (division of Poland into German and Russian parts, etc.) and especially on account of the economic difficulties in chemical plants; this applied to the output as well as the profit. I remember the Boruta case. I know exactly that it was a factory that was primarily state owned - if I remember correctly, about 80%; besides that, it had been used by the Poles, at least in part, for war goods.

(Page 6 of original)

Dr. Jakob Herle, the head of the industrial division of the Main Trustee Office East was in charge of the Boruta case. Dr. Herle was a highly respected expert who had been manager of the Reich Association of German Industry before 1933.

After the plant had at first been administered by a trustee whom the I.G. had provided, it turned out that the Boruta firm was one of those cases I mentioned. Investigation disclosed that all the material necessary for operation was missing and that it would require a considerable new investment to continue operating. Beyond this the continuation of the plant was very difficult because it seemed necessary to apply the know-how and methods of a large specialized firm, like the I.G. for example, to this special chemical field. Herr Dr. Herle then had called in an expert advisor, Dr. Kuhnke, in order to find out the possibilities for improving the economic status of the company. In the first half of 1941 Dr. Herle informed me that after close examination he thought it would be necessary to sell the plant to the I.G. Farbenindustrie A.G. He advised against a lease, which had also been considered and to which the I.G. had declared its agreement, because a lease would be very difficult and leasing would endanger the assets of the company which were decreasing.

On the strength of this report I declared my basic agreement with the sale. In this I was primarily motivated by my obligations as a trustee to conserve the substance and capital of the Polish owners and to make the continued operation^{of} the plant possible.

(Page 7 of original)

The idea of a sale instead of a lease came, so far as I remember, from Dr. Herle and Geh. Rat Dr. Mahnke, whom I have already mentioned and who was a first rate expert. These gentlemen had made the proposal to the I.G. and the I.G. had accepted the proposal. In the negotiations the I.G. evaluated the plant at RM 3,200,000,--, and so far as I know, this was done according to the methods usual in the dye industry. But then the Main Trustee Office East made it a condition that the sale price be set at RM 5,000,000. In a meeting with Dr. von Schnitzler, the I.G. declared itself ready to acquiesce to the demands of the Main Trustee Office East and to pay 5 million marks. At the same time the Main Trustee Office East, that means myself, or Dr. Herle and Dr. Mahnke, required the I.G. to make a large investment in the interest of the plant. So far as I remember this investment was to amount to approximately the same sum as the purchase price, i.e. around 5 million marks. It was particularly in view of this large, necessary investment that a sale seemed more correct than a continued trusteeship, if the capital of the owners was to be saved. As I have just shown, we were able, in this case, to effect a sale at a favorable price, and then I was able to administer the proceeds as a trust for the Polish owners. This made it possible for me to fulfill both of my obligations, namely on the one hand to preserve the capital, and on the other, to continue the operation of the plant.

(Page 8 of original)

I then gave my final consent, whereupon the agreement was closed between Dr. Mahnke, as plenipotentiary administrator, and the I.G. After being reviewed by the Reich Governor, the Reich Minister of Economics and the District Finance Presiding Officer, who also gave their consent, the agreement was given its final authorization by me for the Main Trustee Office East. The purchase price of 5 million RM, which the I.G. paid in cash, went to the Main Trustee Office East, i.e. to me as trustee, and I administered the money, together with other receipts, in trust with the large banks. At the request of the Reich Finance Minister these sums were deposited in 1942 with the National Treasury in a special account, at which place they were at the time of the collapse of the German Reich in April 1945. The money set aside there amounted to about 1.5 billion Reichsmark. This sum, then, contained the purchase price of RM 5,000,000,-- for the Boruta. In the case of a later reimbursement of the Polish owners, the files and the books kept by the Main Trustee Office East insured an accounting for the administration of its trust at any time.

I want to mention again that the National Treasury assured me that the German Reich, through the National Treasury, would handle this money as foreign money, that is for the account of the Polish or other foreign owners.

Nuernberg, 22 March 1948

signed: Max Linkler

Document Book 7 Schnitzler
Doc.No. 124, Exhibit No:

(Page 9 of original)

The above signature of Herr Dr. Max F i n k l e r ,
executed before me, Attorney Dr. Walter Siemers, is
herewith certified and attested by me.

Nuernberg, 22 March 1948

signed: Dr. Siemers

Certificate.

I, Dr. Rupprecht von Keller, Defense Counsel in Case 6 US Military
Tribunal No. 6

hereby certify, that the attached document consisting of one

enlarged photo

entitled: 20.X.39 Wola Schwefelschwarz Plant

= B (in the upper right hand corner)

is a true picture of a part of the Wola plant

(According to the statement of the witness M. Szpilfogel).

(Dr. R. v. Keller)

assistant defense counsel

Certificate.

I, Dr. Rupprecht von K e l l e r, Defense Counsel in Case VI US
Military Tribunal No. 6

hereby certify, that the attached documents consisting of

three enlarged photos

entitled: 1) 20.X.39 Wola Factory street towards gate
= A (in the upper right hand corner)

2) 20.X.39 Wola factory street, - 1. Basic dye stuffs
= C (in the upper right hand corner)

- 2 -

- 3) 20.X.39 "ola Direktschwarz Plant (former Aso plant)
= D (in the upper right hand corner)

are true pictures of a part of the "ola plant
(according to the statement of the witness Hermann Schwab
of 29 January 1948.)

(Dr. R. von Keller)
assistant defense counsel

Certificate

I, Dr. Rupprecht von Keller, Defense Counsel in Case VI US
Military Tribunal No. 8

hereby certify that the attached documents consisting of

four enlarged photos

entitled: 1) 14.X.39 Winnica: Factory gate

= A (in the upper right hand corner)

2) 14.X.39 Winnica: r. Naphtol - L. waste water purification

= F (in the upper right hand corner)

- 2 -

- 3) 14.X.39 Winnica: Intermediate products Building -
benzene filling
= G (in the upper right hand corner)
- 4) 14.A.39 Winnica: Intermediate products - boiler house
Office
= H (in the upper right hand corner)

are true pictures of a part of the Winnica plant (according to the statement of the witness Hermann Schwab of 30 January 1948.)

(Dr. R. von Keller)

assistant defense counsel

I, Dr. Walter Siemers, attorney at law in Hamburg, at present defense counsel at the American Military Tribunal in Nuernberg, certify hereby that the attached Document:

Affidavit of Eduard Beckhauser,

dated 3 September 1947,

was copied literally. The Document was submitted to Military Tribunal IV in Case V (Flick Case) as Weiss Document No. 1196 by the Defense and was accepted by the Military Tribunal as Exh. No. 177.

Nuernberg, 9 March 1948.

(Dr. Siemers)

E. BACKHAUSER

Dortmund, 25 August 1947

Affidavit.

- I, I, Eduard BACKHAUSER, born 1 February 1866 in Neunkirchen/Saar, residing in Dortmund, have been informed that I render myself liable to punishment if I make a false affidavit. I declare upon oath that my statements are true and have been made to be presented as evidence to Allied or German Courts or authorities.
- II. Since 1930 I have been the business manager of the firm of WAGNER & Co. and have been ordered to act as their trustee as of 7 October, 1946. The firm in question runs a factory producing in the main tool machinery and auxiliary machinery for rolling mills. Since its founding in 1865 this enterprise has been exclusively engaged in the manufacture of tool machinery of all types, particularly of that kind in demand by the iron producing and metal working industry. In addition, they also produced machinery during the war for the armament industry, which machinery in accordance with its characteristic feature must be referred to as "single purpose machine", but their proportionate share in the total production did not, on the average, amount to more than 5 to 8%. The firm of WAGNER & Co. never produced out and out war material. Merely the production of controlling mechanisms for gears used in heavy transport and armoured cars had to be started just before the end of the war on orders of the higher authorities. However, they could not be produced in time for delivery.

- III. The copy affixed to this affidavit is a true copy of the original letter handed personally over to WAGNER & Co. by a superior British officer on behalf of the R.D. & R. Branch. In accordance with this order the equipment of WAGNER & Co. was completely dismantled and removed.
- IV. The Schiess Aktiengesellschaft, Dusseldorf and the firm Dr. Waldrich K.G., (joint stock Co., Limited) in Siegen shared the fate of our firm. Both of these firms, manufacturing exclusively heavy tool machinery, were also completely dismantled.
- V. Thus the dismantling of these three firms Schiess, Waldrich and Wagner - has resulted in the elimination of 3/4 of the German production of heavy tool machinery in view of the fact that of the four plants which have produced heavy tool machinery there only remains the firm of Frerich in Rheydt, the capacity of which, however, had been impaired up to between 70 to 80% as result of war damages. This illustrates the state of the German heavy tool machine industry.

(signed) Eduard BECKHAUSER

No. 24 of the document files 1947.

I hereby certify the above signature of Herr Eduard Beckhauser, Hans Holbeinstr. 15, Dortmund, personally known to me.

Dortmund, 3 September 1947.

(signed) PHILIPPI
Notary Public.

Seal:

Dr. jur. Detmar Philippi
Notary Public in Dortmund-Hoerde

Statement of Costs

Value:	RM 5.000
Bar, 39 RKO	RM 5.50
Sales Tax	RM -.17
Total	RM 5.67

Copy

Mil. Gov. Form RESD/F. 13

Province Land North Rhine/Westfalen RESD Branch.....

Regierungsbezirk Düsseldorf Initiated by: R.D.R. Branch

MILITARY GOVERNMENT OF GERMANY

PRODUCTION PERMIT FOR INDUSTRIAL PLANTS

To: (Firm's name) WAGNER & CO.
(Address) Dortmund, Westphalia,

(Kreis)

1. This is a PERMIT (a) for Reparations work } Delete
(b) } these not
(c) } applicable.
2. The AUTHORIZATION NUMBER of this Permit is NRW/BMR/5.
3. You are authorized to factory at Dortmund.

PRODUCTS	QUANTITY
Dismantle pack and ship contents of Wagner & Co Dortmund, Westphalia	As instructed by R.D.R. Branch H.Q. Mil. Gov. 714 H.Q. OCG Düsseldorf.

4. This Permit is valid until Completion of work.
5. You will not engage in the production of any goods, nor in any other activities without the permission of Military Government.

6. *
Stamp of Issuing Authority.
(H.Q. Mil. Gov. Land North-Rhine Westphalia
28
18. Nov. 1946")

Signed.....
Position: Director
R.D. & R. Branch

Date 18 Nov 46

Copies: 1 to Firm
1 to Kreis Det
1 to L/A

I herewith certify that the preceding copy corresponds word by word to the original. The documents too are contained in the original.

Dortmund, 3 September 1947

Stamp,
Dr. jur. Detmar Philippi
Notary in Dortmund-Hörde

signed: Philippi
Notary.

72/PSS/ 1 C/100 M/10-45

6. You will render a return in English to the Military Government Detachment for your district on the 10th of each month. For this purpose Mil. Gov. Form RESD/F. 14 will be used. Supplies can be obtained from your Landeswirtschaftsamt or Military Government Detachment. The return will be rendered promptly as your allocation of controlled commodities including fuel will depend on its receipt by this office on the correct date.

I, Dr. Walter Siemers, Attorney at Law in Hamburg, presently
Defense Counsel before the American Military Tribunal "Nuernberg,
herewith, certify that the enclosed document:

affidavit Oscar Waldrich

of 19 September 1947,

represents a word by word copy of the original. The document was
accepted in Case V (Flick-Trial) in evidence and as Weiss Doc.
No. 1256 presented to the Military Tribunal IV by the Defense
Counsel as Exh. No. 179.

Nuernberg, 9 March 1948.

(Dr. Siemers)

Affidavit.

I, Oskar Waldrich, born 3 June 1880, residing at Werthenbach, Kreis Siegen, have been duly warned that I shall render myself liable to punishment if I give a false affidavit. I declare under oath that my statement conforms with the truth and was made for submission as evidence before Allied or German tribunals or authorities.

I am the owner of the firm Dr. Waldrich K.G. at Siegen. This is a factory producing heavy and very heavy machine tools and used to make this for peacetime production only. Before the war 60% of the products were exported to almost all the industrial countries of the world.

In the summer of 1943 (sic) the firm Waldrich and at the same time the firm SCHIESS-DEFRIESS, Duesseldorf and Wagner & Co.,

Dortmund received orders from the British Military Government to dismantle their plants. It was not possible to appeal against these orders. In the spring of 1946 the dismantling of all machines, cranes and factory equipment was commenced. All the equipment was taken to Czechoslovakia with the exception of three machines which were sent to England.

Signed: O. WALDRICH

No. 500 of the document register for 1947

I hereby certify that the above signature

- 3 -

of Dr. Waldrich of Werthenbach, Kreis Siegen, was given by him in
my presence.

Siegen, 19 September 1947.

Signed:

Karl Grunowald

Notary

Stamp:

Karl Grunowald

Notary, Siegen

Affidavit.

I, Hugo Pauls, Essen-Bredency, Alfredstrasse 260, having been informed that I am liable to punishment if I submit a false affidavit, state under oath and without coercion:

The firm of Krupp had a plant in Geisenheim/Rheingau for the manufacture of pneumatic pressure tools (including - and drill hammers for mining, pounding hammers for industrial needs). The manufacturing department was not an independent legal person but merely a branch of the firm of Krupp. Immediately after the occupation by American troops the plant received a work permit and, in August 1946 again employed 180 workers. The Hessian Government - Section: Property Control had installed Herr Heinrich Lochr, member of staff, as its trustee. According to the story told by Herr Lochr, a Herr Kemper appeared in the manufacturing shop in July 1946 and peremptorily requested to inspect the ledgers. Herr Kemper is director of Pressluftwerkzeuge und Maschinenbau G.m.b.H., Berlin, affiliate company of the Chicago Pneumatic Tool Co., a firm also concerned with pneumatic tools. Herr Lochr refused.

- 2 -

Subsequently Herr Kemper returned accompanied by Capt. Guy, the Deputy Chief of Property Control and, thus, by coercion, succeeded in inspecting the records. Again according to the story told by Herr Loehr, he was forced on 16 August 1946 to sign a lease agreement between the trustee of the manufacturing plant and the Premag which was countersigned by representatives of Military Government, of the Great-Hesse Finance Ministry and of the Office for Property Control. Pursuant to the agreement machine tools as well as shop and office equipment were leased to Premag effective immediately up to, - at first - at the end of 1947. The yearly rent was established at 40 000 RM with the proviso that, should 4 % of the total turnover exceed RM 40 000,- it was to ^{be} paid as rental. The total turnover of the manufacturing department amounted to approximately RM 100 000.- monthly.

According to an estimate by the neutral experts Direktor Wallrodt and Diploma Engineer Diel, made on 25 July 1946, the value of the machinery equipment taken over alone amounted to 1,200,000 RM. A rental of 160 000 RM annually was considered commensurate in the expert opinion. The very considerable value of the use of the other equipment, of the construction value and of the know-how, was not taken into consideration at all.

According to the inventory as per 1. September 1946 compiled by Dr. Karl Kaiser, auditor in Wiesbaden, the net assets of the manufacturing department amounted to RM 3,034,000.-

- 3 -

At the time the Premag took over, the manufacturing department contained goods valued at 810 759^{RM} according to the inventory by Dr. Karl Kaiser, auditor, Wiesbaden. The larger part of these, pursuant to orders by the Office for Property Control, had to be sold by the trustee, most of it to the competitor firm assigned.

Objections raised to the competent authorities by the management of Krupp, as the owner of the manufacturing department, in accordance with its duties relative to the preservation of assets coming under Law 52 remained without result. Also, an application was rejected which requested to commission an independent auditing office to establish whether the rent stated in the lease agreement and the other conditions were appropriate.

Enclosed please find a fotostat of the letter from Herr Kemper of the firm of Premag dated 19 February 1948 to Krupp showing clearly Herr Kemper's attitude toward this problem. Herr Kemper simultaneously is Chief Custodian of Military Government in the US sector of Berlin.

Essen 17 March 1948.

signed: Hugo Pauls

- Pauls-

No. 534

of the Document Record for 1948

The above signature of Herr Hugo Paula, ~~Essex~~, Alfredstrasse 260,
executed in my presence is herewith certified.

Essex 17 March 1948.

signed: Dr. Rust

attorney, as deputy

of Dr. W. Balla, Essex, Notary

Costs:

Value: RM 3,000.-

Fees Par, 144, 26, 39 Reich Fee Statutes RM. 4.-

Turn over tax 3% RM -.12

RM 4.12

The Deputy Notary: signed Dr. Rust

Heinz P. Kemper
Chief Custodian
of Allied and NSDAP properties

in the American sector of Berlin
app. by the Military Government

(1) Berlin Schoenberg
19 February 1948
Kufsteiner Strasse 69
Telephone: 71 01 71

To the Firm of

Friedrich Krupp

Attention Direktor Pauls

(22a) Essen

Dir. Kpr.-Kre.
Re: Plant department Geisenheim
- your letter of 9 Feb 1948 P-Ti.

Dear Sir: -

Your letter of 9 cr. received.

You have ^{received} already at least my partial comment concerning the problem in my wire and/or my letter of confirmation. However the contents of your letter make it necessary to comment on the individual points as a matter of principle:

1) The entire assets of the firm and/or the family of Krupp are today under control pursuant to Law 52. As far as the assets are in the American Zone and/or the American Sector of Berlin the Military Government and/or its deputy is the sole authority concerning their administration. You are not authorized to dispose of these assets in any way except by explicit authorization from the American Military Government. That is why you have no right of appeal against the measures of the competent department of the Military Government. The lease of the manufacturing department Geisenheim to Premag took place after all competent authorities at US Headquarters in Berlin had checked the case. There can be no question of any "expropriation" (Aneignung) and I wish to object strenuously to this expression. The

taking over of the available stocks took place pursuant to the directives issued. Besides, considerable amount of stocks were sold to other firms of Land Hesson by the Office for Property Control and/or its representatives. The remark that material of lesser quality was used for Krupp-Presslufthammer is technically so absurd that I shall refrain from any comment. On the basis of our present day knowledge of your past manufacturing methods I can only assure you that you will have to learn a lot in comparison with other firms in the sphere of pneumatics to enable you to deliver products of equal quality.

2.) You will hardly harbor any doubts concerning the earning situation of the manufacturing plant Goisenheim, at the start of the lease. If the plant would have continued to be run the way it was for a few more months, the last cash assets would have been used up and thus it would have been forced to close down. The Krupp fortune not only did not suffer any losses but also received a rental for the use of not quite 50 % of the available machinery, which the former management would not have been able to earn. It is an additional fact that the equipment was on the dismantling list from the very beginning, and that its evacuation would have taken place sooner because Goisenheim had manufactured war material. If the production plant can be held at all, it can only be done in connection with Premag via Chicago Pneumatic Tool Co. Nevertheless the turning over of the available machinery can hardly be prevented. The license to continue production is in the name of Premag and not of the firm of Krupp. At the time our basic interest in leasing the plant was the desire to retain a manufacturing plant for the German national economy. No matter how painful it may be for you and

- 3 -

perhaps even for ^{the} German economy, we must accept the fact that the victorious Allied powers are firmly resolved to either dismantle or entirely dissolve the Krupp Konzern.

As I wrote to you in my last letter I hope to be in western Germany within a few weeks. I should be very happy if you could possibly come to Berlin, because we could then confer sooner.

Yours truly

signed: signature

Seal

Custodian
of NSDAP properties in the
American sector.

I, Dr. Walter Siomers, Attorney in Hamburg, at this time defense counsel at the American Military Tribunal in Nuremberg, certify that the attached copy is a literal transcription of the original.

Correspondence Auto Union Nuremberg - Military
Government Bavaria concerning "Noris" Zuondlicht A.G.

The document was submitted by the defense in Case V (Flick Trial) to the Military Tribunal IV and accepted as exhibit No. 181 by the Military Tribunal.

Nuremberg 12 March 1948.

(Dr. Siomers)

I, Dr. Walter SIEMERS, Attorney in Hamburg, at present Counsel for the Defense at the Military Tribunal Nuernberg, herewith certify that the attached documents listed below, are from the files of the firm of Auto Union A.G. Nuernberg Branch, Nuernberg, Aden Klein Strasse 153. They ^{were} handed to me personally by Herr LUEDERITZ, Director of Auto Union after having been taken from the firm's files in my presence.

- 1.) Original of circular letter dated 22 May 1947 from the Zentraldepot fuer Auto Union Ersatzteile G.m.b.H. , Ingolstadt, re: Dismantling of "Noris" Zuend-Licht A.G. Nuernberg,
- 2.) Original copy of letter from Auto Union Nuernberg dated 29 May 1947 to the Bavarian Ministry of Economy re: "Noris" Zuendlicht A.G.
- 3.) Letter from the office of Military Government for Bavaria A.P.O. 407 by Brigadier-General Walter J. HULLER to the Minister-president, Munich, re: "Noris"-Zuendlicht.

Nuernberg, 16 October 1947

(signed) (Dr. SIEMERS)

Central Depot Ingolstadt,
fuer Auto Union Schrammenstr. 3
Ersatzteile GMBH

Addressee: Central Depot fuer Auto Union Ersatzteile
G.m.b.H. Ingolstadt

Stamp: Received 27 May 1947

Auto-Union A.G.

Initialed

Rush

Our Dept.:
Itg.

Our sign:
Bgh./K.

Ingolstadt
22.5.1947

Re: "Noris" Zuend-Licht A.G., Nuernberg.

According to information just received from official sources, the Noris Zuend-Licht A.G., Nuernberg, to which we have transferred all our electro-manufacturing of the Roesslerstrasse Chemnitz, was handed the dismantling order in favor of Russia. That this means to us and therewith to our whole organisation, if actually the dismantling is carried out, will be known to yourself.

Therefore we have sent the following telegram to the Ministry of Economics Bavaria in Munich, the Ministry of Transport in Munich, the State Foreign Trade Office Munich, the Administrative Office for Economy, Linden, the Bavarian Landtag, Munich, the Administrative Office for Transport, Bielefeld, the Minister-president Dr. Ehard, Munich,:

"Just receives news of impending dismantling of Noris Zuend-Licht A.G., Nuernberg, on behalf of Russia. Elimination of this firm means absolute endangering the supply of spare parts and tying up of at least 250.000 motorcycles, stationary motors and motorvehicles of the product DKW at home and abroad, since Noris is distinctly specialist manufacturer

WEISS (FLICK) No. 1259 ,Exh.181

of all electrical equipment such as ignition
- coils, flat regulator, complicated coil boxes,
contactbreaker, spark controller, centrifugal
speed regulator and above all dynamo starter
installations. Available export orders cannot
be filled any more and export inquiries must
be turned down. Replacement parts manufacture
not available any more in Germany, since similar
electrical specialized plant of the Auto Union
in Chemnitz likewise dismantled by the Russians.
Urgently request in the interest of transport
-economy and export preservation of Morris."

We now ask you to direct ^{via special delivery} /on your own behalf, sending us a
copy, an urgent appeal to the Ministry of Economics
Beveria in Munich, Prinzregentenstrasse, so that they
may see how far spread the supply task of the Morris
is, and its importance for the up keep of the DMK pro-
ducts operating everywhere.

At any case, we request ^{you} /to send out this letter as soon
as possible, since only short time is left until dis-
mantling is to begin. The more letters and protests
pour into the Ministry of Economics the more this
authority will take an interest in the Morris affair.

Yours Truly

Zentraldepot fuer
Auto Union Ersatzteile GMBH.

Sig. Signature Sig.: Signature.

WEISS (FLICK) No. 1259 , Exh.181

Z.D. Ingolstadt has received copy.

To the

Ministry of Economics Bavaria
13 b Munich.

Prinzregentenstrasse

Leitg.L/An. 29.5.47

Re.: "Moris" Zuendlicht A.G. Nuernberg.

We have just learned that an order has been issued for the dismantling of the "Moris" works for the benefit of Russia.

We have had business relations with this firm for some time. It is to be considered as the only remaining supplier in the entire field of electrical equipment for all DKW-products. It is a well-known fact that the DKW-products have an electro system which deviates from other types of

German motorvehicles. The operating efficiency of this widely used small motor vehicle depends largely on the perfect condition of this electro system.

We must not fail to point out that elimination of this firm would put a stop to electro supplies, and therewith endanger the operating efficiency of the DKW-vehicles without a possibility of recourse. It is known what part the most economical small motor vehicle DKW has to play in our devastated motorvehicle industry . Our shops alone repair about of 100-150 local DKW-cars monthly.

We should not wish to fail on our part to point to the devastating results of the elimination of such a key-industry and to voice the urgent plea to exhaust all possibilities that could bring about a revocation of the dismantling order.

Very Truly Yours
Auto Union A.G.
Branch Nuernberg .
For: Initialed

COPY

Office of Military Government for Bavaria
APO 407

AG 004 MGBEI

Re: Noris Zuend Licht

Reparations Office No.57

To the : Ministerpresident
Munich, Prinzregentenstrasse 28
Germany.

- 1.) This letter is in reply to your communication of 14 May 1947, in which you have requested reexamination in regard to the aforementioned plant, which has been marked for reparation payment.
- 2.) With reference to this, you are herewith informed that negotiations with higher authorities were conducted in this matter already many months ago and many points of your communication were brought to the attention of the competent authorities in OMGUS; nevertheless the plant was selected for reparation purposes and all installations which are included on the list must be shipped off.
- 3.) Although it may be granted that, apart from supplying great quantities of material to be used for armament purposes, the plant showed a well established peace production, it is yet one of those few plants which continue to appear on the list of plants selected for reparations. There is however no regulation in force which would impede the re-allocation of machine tools at present unused in the possession of the Bavarian industry, so that the plant, as soon as it is dismantled and shipped, may take up production once more.
- 4.) It were to be highly welcomed if such a redistribution of unused machinery were to be effected so as not to ^{greatly} hamper the peace production of this plant.

DOCUMENT BOOK 7 SCHNITZLER
SCHNITZLER-DOCUMENT No. 128

WEISS (FLICK) No. 1259, Exh. 181

Sig. Walter J. MUELLER

Brigadier General, USA

Director

Phone: Munich Military 4260

DOCUMENT BOOK 7 SCHNITZLER
SCHNITZLER-DOCUMENT No. 129

WEISS (FLICK) No. 1259 Exh.No. 182

I, Dr. Walter SIEMERS, Attorney at Law in Hamburg,
at present Defense Counsel with the American Military
Tribunal Nuernberg, hereby certify that the following
attached document:

Letter from the Technical Bureau Ing. Otto WEBER,
Nuernberg, to Auto Union A.G. Nuernberg of 27
Nov. 1946,

is a word by word copy of the original doc. This do-
cument was submitted by the defense in Case V (FLICK-
trial) as WEISS Doc.No. 1260 to the Military Tribunal
IV and accepted as Exh. No. 182.

Nuernberg, 12 March 1948.

(Dr. SIEMERS)

DOCUMENT BOOK 7 SCHNITZLER
SCHNITZLER-DOCUMENT No. 129

WEISS (FLICK) No. 1260 Exh.No. 182

I, Dr. Walter SIEMERS, Attorney in Hamburg, at present counsel for the defense at the American Military Tribunal in Nuernberg, hereby certify that the following attached document belongs to the files of the firm "Auto Union A.G.", Nuernberg Branch, Nuernberg, Aden-Klein-Str. 153, and was handed to me personally by Herr LUEDERITZ, director of the Auto Union and taken out of the files of the Auto Union in my presence:

Letter from the Technical Bureau Ing. Otto WEBER, Nuernberg to Auto-Union A.G., Nuernberg, of 27 November 1946, concerning the dismantling of the Transportgeraetefabrik (manufacturers of transportation equipment) G.n.b.H. , Moosburg - Upper Bavaria, Original.

Nuernberg, 2 January 1948

(Dr. SIEMERS)

WEISS (FLICK) No. 1260 Lzh.Nr.182

Ing. Otto WEBER (13b) Nuernberg
Technical Bureau Eichenstr. 5, Phone 58 133
Postal Check Account Nuernberg
No. 5058
Firm: Bayerische Vereinsbank Nuernberg
Auto-Union A.G. 27 November 1946 W/A
Nuernberg Branch Stamp: received
Nuernberg -2. nd December 1946
N u e r n b e r g Auto-Union A.G. initialed
A d e n - K l e i n - S t r . 1 5 3

I regret that I have to inform you today of the unpleasant news that on 14 inst. the Munich Military Government seized the suppliers' firm whom I represent in Northern Bavaria, the firm

Steinbock G.m.b.H. Transportgeraetefabrik
Loosburg/Upper Bavaria

for repairation purposes, that means for dismantling. The effect these measures will have cannot be estimated as there is no firm of the competition in the American zone which could fill possible gaps. Your repair departments will thus be subjected to even further restriction although transport conditions have already reached their lowest level. My firm has already approached the competent authorities. To corroborate and support their objections, I should be obliged, therefore, if you could furnish my firm with a letter, stressing on the one hand the importance of the finished products and, on the other hand, pointing out the consequences of closing or dismantling the firm. The same letter would have to be addressed to:

- 1.) Verein Bayer. Maschinenbauanstalten (Bavarian Machine Builders' Association) Munich, Wiedenmayerstrasse 50,
- 2.) Industrie-und Handelskammer (Chamber of Commerce), Nuernberg, for the attention of Herr Dr. JOAS, Nuernberg, Johannisstr. 3.

To speed up proceedings I request you to give the matter your immediate attention,

DOCUMENT BOOK 7SCHNITZLER
SCHNITZLER-DOCUMENT No. 129

WEISS (LICK) No. 1260 Exh.No.182

thanking you in advance for your efforts.

Yours truly

Otto WEBER

Signature.

DOCUMENT BOOK 7 SCHNITZLER
SCHNITZLER-DOCUMENT No. 130

WEISS (FLICK) No. 1261 Exh.No. 183

I, Dr. Walter SIEBERS, Attorney at Law in Hamburg,
at present Defense Counsel with the American Military
Tribunal Nuernberg, herewith certify that the attached
document:

Letter by the firm Ernst REINE, Nuernberg, to
the Auto Union Nuernberg of 9 November 1946 is a
word by word copy of the original document. The do-
cument was submitted by the Defense in Case V
(FLICK-trial) as WEISS-Doc. No. 1261 to the Military
Tribunal IV and accepted as exhibit No. 183.

Nuernberg, 12 March 1948 .

(Dr. SIEBERS)

DOCUMENT BOOK 7 SCHNITZLER
SCHNITZLER-DOCUMENT No. 130

WEISS (FLICK) No. 1261 Exh.No.183

I, Walter SIEMERS, Attorney in Hamburg, at present counsel for the defense at the American Military Tribunal in Nuernberg, hereby certify that the following attached document belongs to the files of the firm "Auto Union A.G.", Nuernberg Branch, Nuernberg, Adam Kleinstr. 153, and was handed to me personally by Herr LUEDERITZ, director of the Auto Union and taken out of the files of the Auto Union in my presence:

Letter from the firm Ernst REHLE, Spezialfabrik fuer Praezisions-Gewindeschneidewerkzeuge (Specialists in the manufacture of precision thread cutting tools), Nuernberg, to the firm Auto Union Nuernberg of 9 November 1946 concerning the dismantling of this specialized plant, Original.

Nuernberg, 2nd Jan. 1948

signed: (Dr. SIEMERS)

DOCUMENT BOOK 7 SCHNITZLER
SCHNITZLER-DOCUMENT No. 130

WEISS (FLICK) No. 1261 Exh.No.103

Ernst REIME
Specialists in the manufacture
of precision thread cutting tools,
Nuernberg-0.

Stamp:
Received 10.12.46
Auto Union A.G.

Firm
Auto Union A.G.
13a Nuernberg.
Aden-Kleinstr. 153

13c Nuernberg-0,
Bartholomeusstr. 26

My sign: Ad/Er. 9.12.46

Re: Factory Management / Purchasing

According to information by the Military Govern-
ment my factory has been put on reparationslist A.

For the purpose of negotiations with the compe-
tent authorities I need records from you showing
the effect of the elimination of my products, in
case of dismantling, upon your business.

Please transmit to me - if possible in two copies -
the requested documents by return mail.

Thanking you in advance

Yours truly

Ernst REIME,
Precision Tools Factory
for Adlfingen
Sig. Signature

Cable address: Schneidzeug - Phone:
No. 51046 - Bank account: Commerz Bank A.G.
City Savings Bank Nuernberg. Postcheque account:
Post Office Nuernberg 55 04

C. CERTIFICATE OF TRANSLATION

We, Fred Salomon, John B. Robinson, Frank Freudenthal, Adolph Lusthaus, Joseph Goeser, and Hanns K. Gleichman hereby certify that we are duly appointed translators for the German and English languages and that the above is a true and correct translation of the Document Book 7 Schnitzler

Hanns K. Gleichman
A-443029

Adolph Lusthaus
B 398010

John B. Robinson,
H-046350

Joseph . . . Goeser
B 397993

Fred Salomon
A-446682

Frank Freudenthal
B 242986

Case 6
Defense

TRANSLATION OF DOCUMENT BOOK VIII SCHNITZLER
OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

DOCUMENT BOOK VIII

for

Dr. Georg von Schnitzler

To Military Tribunal VI
Case VI

Submitted by:

Dr. Walter Siemers

Attorney in Nuernberg

Georg



Table of Contents
of Document Book VIII
for Dr. Georg von Schnitzler

Documents 131 - 155, pages 1 - 116

Schnitzler No.	Exh. No.	Document	Page
-------------------	----------	----------	------

II. Individual cases concerning the
utilization of the economic capacity in
occupied territories.

(Continued)

131		Admitted by the Military Tribunal in the Flick Trial as Weiss Exh. No. 176. affidavit by Carl Hugo Warrentrup concerning dismantlings in the firm Kammfabrik Ernst Kuester, Kolibri-plant, with the following records: 1. "T" Form, Form 2 (BAOR), Application for Allocation of Enemy Equipment by Mr. Thurger, member of the investigating committee, for the benefit of his own firm Thurger Belle Ltd., a British competition firm of the firm Kolibri, 2. Letter of Lord Pakenham, Foreign Office, to T.E.N. Driberg Esq., M.P., House of Commons, as well as additional enclosures containing legal and actual statements.	1 - 36
-----	--	---	--------

Schnitzler No.	Exh. No.	Document	Page
132		Admitted by the Military Tribunal in the Flick Trial as Weiss Exh. No. 178. Affidavit by Johannes Schreuder, Director of the Firm Friedrich Krupp, Essen, concerning a quantity of scrap iron, valued at approximately 5 Million Reichsmark, which had become available through destruction of the war material. The scrap iron was removed as "booty" although it is not classified as war material according to Control Council Law No. 43. The representative of the British occupation power pointed to the fact that the scrap iron, even if it belonged to civilians, was to be regarded as booty, and referred to the definition of British Headquarters, attached as enclosure, dated 5 June 1948, which, however, does not contain such a definition.	39-45.
133		Control Council Law No. 43, dated 20 December 1948. The Control Council Law states that scrap iron is not to be regarded as war material, all the more as scrap iron can be used for the peacetime production.	46-58
134		Affidavit by Dr.-Ing. Paul Hansen concerning the total dismantling of the Borbeck foundry of the Firm Friedrich Krupp, including the assessment by the inter-allied commission which is contained in the enclosures, according to that, values of approx. 50 Million RM have been fixed to 13 Million Reichsmark, whereas the total costs for dismantling amount to at least 20 Million Reichsmark.	59-84
135		"Marshall insists that dismantling be continued", Excerpt from "Wuerenberger Nachrichten", dated 11 February 1948.	65-67
136		"US Government to the question of dismantling", General Clay declares in the Senate that further dismantling of German industrial plants will probably contribute to accelerate the economic recovery of Western Europe. Excerpt from "Die Neue Zeitung", dated 29 January 1948.	68-69

Schnitzler No.	Exh. No.	Document	Page
137		Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1190. "Threatened dismantling endangers general economy". Concerning dismantling of the ball-bearing plant of Fischer in Schweinfurt. Excerpt from "Die Neue Zeitung", dated 18 July 1947.	70-72
138		"Discontinuance of dismantlings demanded". Serious economic debate in the Bavarian Landtag. Excerpt from "Sueddeutsche Zeitung", dated 19 June 1947. Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1191.	73-75
139		Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1194. "Prototype-Machines". Lord Pakonham stated: "It therefore was obvious that, in many cases, the firms which appeared to be most suitable for the assumption and development of the prototype-machines, are also those which put a responsible member at the disposal of the investigating committee." Excerpt from "Wirtschafts Zeitung", dated 11 July 1947.	76-78
140		Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1186. "And again": Sent to Russia", List of goods shipped to Russia in March 1947: 260 rail-road trains with 12 612 cars loaded with raw material, industrial products, feed, textiles, fertilizer. Excerpt from "Rhein Echo", dated 31 May 1947.	79-80
141		"Further dismantlings", Dismantling of the major power plant in Mannheim and other plants. Excerpt from "Nuernberger Nachrichten", dated 13 August 1947. Presented to the Military Tribunal in The Flick Trial as Weiss Document No. 1189.	81-82

DOCUMENT BOOK 8 SCHNITZLER

Schnitzler No.	Exh. No.	Document	Page
142		Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1188, "Against removal of tracks", Excerpt from "Nuernberger Nachrichten", dated 13 August 1947.	83-84
143		Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1187, Dismantlings in the Soviet Zone continued, among others chemical plants, sugar refineries, grain mills, saw-mills, power plants and mines. Excerpt from the "Gefangene Zeitung" (prison newspaper) of the American Court Prison in Nuernberg, dated 7 August 1947.	85-86
144		Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1192, "New reparation goods from the US-Zone", dismantling of 4266 machines, Excerpt from "Die Welt", dated 13 June 1947.	87-89
145		"Reparations will be taken in the future only from armament plants" Excerpt from "Die Neue Zeitung", dated 8 August 1947. Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1198.	90-91
146		"The complete list of dismantlings", containing a list of the "armament plants" as well as the plants not classified as armament plants, such as the metal industry, machine industry, chemical and electric industries, and others. Excerpt from "Die Neue Zeitung", dated 20 October 1947.	92
147		"767 plants made available for reparations". These plants include to more than 50% plants for peace-time production. Excerpt from "Die Neue Zeitung", dated 5 February 1948.	93-94
148		"State of the industrial dismantlings" Excerpt from "Handelsblatt der West-deutschen Wirtschaftszeitung", dated 17 July 1947. Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1197.	95-99

DOCUMENT BOOK 8 SCHNITZLER

Schnitzler No.	Exh. No.	Document	Page
149		"Krupp will be closed in two weeks". 150 000 farming machines which need to be repaired cannot be restored as a result of this suspension. Excerpt from "Die Neue Zeitung", dated 4 March 1948.	100-101
150		"Export prices for coal increased 50%," even then the prices are still below the customary export prices in Europe. Excerpt from "Wirtschaftsrevue", dated 6 September 1947. Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1258.	102-104
151		Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1195. "Dismantlings in the US-Zone". 40 000 tons from the Nordische Stahlhütte delivered to Franco and India. A rolling mill turning out metal sheets which has a value of 200 Million Reichsmark is to be shipped to England. Excerpt from "Die Neue Zeitung", dated 18 July 1947.	105-106
152		"IG Farben capacity reduced to 25%," Excerpt from "Die Neue Zeitung", dated 2 July 1947.	107-109
153		"US export of chemicals 4 times as high as before the war", U.S. exports of chemicals: 1938 157 Million Dollar 1947 800 Million Dollar. Excerpt from "Rhein-Neckar Zeitung", dated 1 January 1948.	110-111
154		"Sale in America of German and Japanese property". It was stated in Washington that the sale is not contrary to the provisions of International Law. Excerpt from "Neue Züricher Zeitung", dated 28 January 1948.	112-113

DOCUMENT BOOK 8 SCHNITZLER

Schnitzler No.	Exh. No.	Document	Page
155		Presented to the Military Tribunal in the Flick Trial as Weiss Document No. 1204. "French claims on Kohl". Disguised intentions of annexation. The importance of the Rhine part. "The Kohl population of 12 000 persons who had fled the city in November 1944 because of the war, have not been permitted to re- turn to the city up to the present time." "The isolation of this industrial center has led to economic ruin of the entire district with a population of about 40 000 residents.	114-116

I, Dr. Walter Siemers, Attorney in Hamburg, at present Defense Counsel before the American Military Tribunal in Nuernberg, herewith certify that the enclosed Document:

"Affidavit by Carl Hugo Sarrentrup, dated 11 September 1947" was truly copied. The document was presented in Case V (Flick Trial) as Weiss Document No. 1193 and was admitted by the Military Tribunal as Exh. No. 176.
Nuernberg, 9 March 1948.

signed: Dr. Siemers.

I, Carl Hugo WARENTRUP, residing at Schoetmar, Galgenbrink 6, knew that I am liable to punishment if I make a false affidavit. I declare in lieu of an oath that my statement is true and was made to be presented in evidence to the Military Tribunal at the Palace of Justice, Kuerenberg.

I work as legal adviser to the firm of Ernst KUESTER Kolibri-Werk, Schoetmar, Lippe, Westphalia. The documents mentioned in the following and attached to enclosures 1 to 7 came from the files of the firm Ernst KUESTER Kolibri-Werk, Schoetmar, and represent a true copy or photostatic copy of the original documents.

- 1) Application for Allocation of Enemy Equipment "T" Force Form 2 (BAOR) with BIOS No. 2201 and Serial No. 6933, plus List of Equipment for Evacuation from Ernst KUESTER, Schoetmar, with 13 positions.
- 2.) Letter (photostat) of Lord PAKENHAM (Foreign Office), of 31 May 1947 to T.E.N. Friberg Esq., M.P., House of Commons.
- 3.) File notice of the chamber of Commerce and Industry in Detmold through Dr. HAUS, of 14 June 1947, with appurtenant enclosure:
Letter of Headquarters Military Government Land North Rhine-Westphalia, through Brigadier General Clark, of 30 May 1947, to Ministry of Economics of Land Nordrhein-Westfalen.
- 4) Letter of the Senate of the Hansestadt (Hansa City) Hamburg, Mayor's Office, Sekretariat (Office): Peace Treaty, through Professor Dr. IPSEN, of 4 July 1947, to Ernst KUESTER, Kolibri-Werk.

- 2 -

5.) article from the "Wirtschaftszeitung", of 4 July 1947, under the title: "Dismantling and Competition" (photostat).

6.) Memorandum by the firm Ernst KUESTER Kolibri-Werk, through C.H. WARRENTRUP, of 24 July 1947, concerning dismantling of machine installations at the firm Ernst KUESTER Kolibri-Werk.

7.) Excerpt from an article by the "Neue Zuercher Zeitung":

"Balance sheet of a German Visit in London", from London, 12 August 1947:

The machines mentioned under 1) were dismantled on 25 July 1947 and shipped. This work of dismantling and shipping was carried out by a T-Force unit from Loehne.

Schoetmar, 11 September 1947.

(Signed) C.H. WARRENTRUP
Amtsgerichtsrat a.D.

Then follows the certification of the signature by the Notary Public.

Nr. 714 of the Document Record for 1947.

I herewith certify the signature, affixed today in my presence, of Amtsgerichtsrat a.D. Carl Hugo WARRENTRUP, from Schoetmar, Galgenbrink 6, who identified himself by his identity card AS 617698.

- 3 -

Bad Salzflon, 12 September 1947
Stamp: Managing Notary Public
in Bad Salzflon

(signed:) Alfred Pernia
Amtsgerichtsrat
Publicly appointed representative of
the appointed Managing Notary Public
who takes the place of Notary Public
Leopold Petri in Bad Salzflon.

Costs:

Business Value: 3,000.--	
fee, according to article 39 of RKO	4.-- RM
turnover Tax	-.12 RM
	<u>4.12 RM</u>

signed: Pernia
Amtsgerichtsrat

"T" Force Form 2 (BAOR)

*BOOTY L
REPARATIONSAPPLICATION FOR ALLOCATION OF
ENEMY EQUIPMENT

*** r

 NAME OF INVESTIGATOR H.D. THURGER ** Serial No. 6933
 (incl. Trip No.) BIOS "L"
 (and Ministry) B O ?

TYPE OF EQUIPMENT

x (a) Full German Designation See Attached List
 x (b) English translation c) Yes
 x (c) Whether in running order d)
 x (d) Whether being used for Production, c) -
 If so, how?
 xx (e) Estimated value f) H.D. THURGER,
 (f) Name and Address of person Driant House,
 who can identify items BELLINGBOROUGH

PURPOSE FOR WHICH REQUIRED

For Research and development
 of comb manufactur in UK/
 Prototypes.

(incl. brief description of
 trials to be carried out.
 If machines, state whether
 Prototype or not)

CONSIGNMENT INSTRUCTIONS

To- THURGER BOLLE LTD.,
 Embassy works,
 Irthling borough,
 NORTHANTS.

x DIMENSIONS (in ENGLISH measurements)

(a) Total Weight
 (b) Length ** Breadth ** Height See attached List
 (c) Total Cubic Capacity
 (d) Any other information that
 will assist in movement

REMARKS

(a) Degree of urgency a) Very Urgent
 (b) Technical assistance required to assist in dismantling. b) Nil. All equipment marked
 in white calk with "TF 2201"

- * To be completed by Importing Dept.
 ** To be allotted by "T" Force and quoted
 in all correspondence
 x Where numerous pieces involved, a detailed list
 should be attached.
 xx To be completed by P Det HRR rep.

LIST OF EQUIPMENT FOR EVACUATION

Ad 1

1. 4 Echart & Zeigler Type S.K. 4 Injection Moulding Machines complete with Dies, (2nd, 4th, 5th and 6th Maschinen in the line from entrance to injection moulding shop).
Dimensions 7'6" x 2'6" x 5' each
Approx. wt. 30 cwt each
Cu Capacity 96 cu ft each
2. 2 Eckert & Zeigler Type EHM. Injection Moulding Machines complete with Dies. (Situated on far side of shop from entrance)
Dimensions 7'6" x 4'9" x 2'6" each
Approx. wt. 30 cwt each
Cu Capacity 90 cu ft each
3. 1 Guillotine (Situated in small shop beyond main injection moulding shop)
Dimensions 3' x 5'3" x 3'
Approx. wt. 7 cwt
Cu Capacity 48 cu ft
4. 1 Side Comb Die 4-impression complete with bolster (situated at end of injection shop)
Dimensions 14" x 11" x 10"
Approx. wt. 70 lbs.
Cu Capacity 1 1/2 cu ft
5. 1 6" 2-impression Dressing Comb die excluding bolster (situated at end of injection shop)
Dimensions 2 1/4" x 5" x 13"
Approx. wt. 30 lbs.
Cu Capacity
6. 1 7" 2-impression Dressing Comb Die complete with bolster (Situated at end of injection shop)
Dimensions 14" x 14" x 11"
Approx. wt. 80 lbs.
Cu Capacity 160 cu ins
7. 1 Electrical Heating Cylinder (Prototype). (Situated at end of injection shop)
Dimensions 12" x 4" x 5"
Approx. wt. 12 lbs.
Cu Capacity 240 cu ins
8. 1 Guillotine (Situated in first floor finishing shop)
Dimensions 4' x 2' 10" x 9"
Approx. wt. 15 cwt.
Cu Capacity 108 cu ft
9. 1 Deckel Type GK. 2. pantograph engraving Machine including dividing head. (Situated in tool room).
Dimensions 5' x 5' 3' 6"
Approx. wt. 25 cwt.
Cu Capacity 88 cu ft
10. 1 16" Shaper complete with motor (situated in tool room)
Dimensions 7' x 5' x 5'5"
Approx. wt. 2 1/2 tons
Cu Capacity 180 cu ft

- 2 -

11. 1 Deckel Tool Room Cutter Grinder (Situated in tool room).
Dimensions 20" x 18" x 13"
Approx. wt. 80 lbs.
Cu Capacity 3 cu ft
12. 2 Side Comb Dies 4-impresion complete with bolsters
(Situated in Tool room).
Dimensions 14" x 11" x 10" each.
Approx. wt. 70 lbs each
Cu Capacity 1 1/2 cuft
13. 1 1/2" Gents Dressing Comb 2-impresion Die excluding bolsters.
(Situated in tool room).
Dimensions 13" x 5" x 3"
Approx. wt. 30 lbs
Cu Capacity 195 cu ins

- 7 -

FOREIGN OFFICE
Norfolk House
St. JAMES'S Square,

LONDON, S.W. 1
31 May, 1947.

Whitehall 4477
Extension 92.

Dear Mr. Driborg,

You wrote to my predecessor on 19th February, about the dismantling of factory equipment. I must apologise for the long time that has elapsed before this full reply but, as you were informed on 26th April, the complaints made by Herr Kuster of Kolibri-Werk, Schotmar, have been exhaustively examined. The position is as follows:

At the termination of the war, in order to provide some measure of immediate compensation to the Allies, a procedure was agreed with the Americans whereby teams, sponsored by the British Intelligence Objectives Sub-Committee under the auspices of the Board of Trade, were sent out to Germany:

- (a) to investigate and report on the industrial organisation, plant, equipment, patents, etc. of individual factories and firms,

and

- (b) to discover and arrange for removal from Germany of specialised plant, research apparatus, prototype machinery and samples of new methods found to have been set up in Germany since 1939.

The complaints of Herr Kuster are based on the fact that his factory was one of those investigated and that certain of his prototype machinery was marked for removal. The removals for his firm were carried out in accordance with the normal procedure that I have referred to.

Regarding the reference to the fact that certain of

the plant to be removed was marked for delivery to a firm whose name is the same as that of one of the members of the investigating team who visited Herr Kuster's factory, it is in fact the case that the head of the team is a member of the firm receiving delivery in this country.

The Board of Trade, when appointing the investigating teams, rightly included members of the firms in the particular industry which would best be suited to exploit the new machinery, when received, for the benefit of the industry as a whole. It was natural, therefore, that in many cases the firm considered most suitable to receive and develop the prototype machinery would be one of the firms asked to provide a responsible member to join the team of investigation. This was the case here.

I was a little doubtful as to whether Herr Kuster's firm had perhaps been victimized, particularly as it had been awkward in submitting to investigation and in providing the statistics and information required. However, after full investigation of the facts, I am satisfied that the firm has no foundation for its complaint. The procedure carried out for investigation and removal was strictly in accordance with the rules laid down.

URTHER

For your information, the scheme for these investigations and removals has now, in agreement with the Americans, been brought to an end.

The correspondence you enclosed is now returned.

Lord Pakenham unfortunately left London before he was able to sign this letter. He has therefore requested me to sign on his behalf in order to avoid delay in dispatch and to express to you his regrets that he was

- 3 -

unable to do so himself.

signed: J. Mark

J. Mark

Private Secretary

T. E. N. Driberg Exo., M.P.
House of Commons,
S. J. 1

- 10 -

DOCUMENT BOOK 8 SCHNITZLER
SCHNITZLER-DOCUMENT No. 131

COPY

MP 2379
Foreign Office
Norfolk House
St. James Square
London S.W.1
31 May 1947

Whitehall 4477
Ext. 92

Dear Mr. DRIBERG -

On 19 February you wrote to my predecessor concerning dismantling of factories. I must apologize for having permitted such a long time to lapse before answering at length. But the complaints registered by Herr KUESTER of Kolibri-Werk, SCHOENMAR, have been checked thoroughly as you were informed on 26 April. The situation is as follows: In order to create a possibility of compensation deliveries to the Allies, an agreement was made with the Americans establishing a procedure by which commissions, guaranteed for by the "British Intelligence Objectives Sub-Committee" and who were under the protection of the Ministry of Trade, were sent to Germany in order to

- a) investigate and report concerning industrial planning, installations, equipment, patents etc. in individual firms and factories and
- b) to discover special installations and to carry out their removal from Germany, that is detectors, prototype machines and samples of new methods applied in Germany since 1939.

Herr KUESTER bases his complaints on the fact that his factory is included in those, where investigations were carried out and that a part of his prototype machines were marked for removal. The removal action from his firm was carried out

in accordance with the normal procedure mentioned by me.

Referring to the remarks on the fact that a certain part of the installation to be removed is to be turned over to a firm the name of which is identical with one of the members of the investigating commission who inspected Herr KUESTER's plant, I can tell you that the head of the commission actually is a member of the recipient firm.

When the Ministry of Trade selected the investigating commission it correctly included members of those branches of industry which seemed most suitable to exploit the new machines after receiving them and to exploit them for the good of the entire industry.

Therefore it was natural that in many cases firms which seemed most suitable to take over and develop prototype machines, were simultaneously those who made a responsible member available to the investigating commission. Such was the case here.

I was somewhat in doubt whether, nonetheless, Herr KUESTER's firm had suffered particular injury since it had objected to the investigation as well as refused to ^{make} available the necessary statistical records and information. However, a thorough check of the facts has satisfied me that there is no reason for complaint on part of the firm. The procedure concerning investigation and removal was carried out according to the established regulations.

For your additional information I wish to tell you that the project for these investigations and removals now has been concluded by agreement with the Americans.

I am returning the correspondence enclosed by you.

Unfortunately Lord PAKENHAM left London before he was able to sign this letter. He requested me to sign in his name in order to avoid any further delay and to express his regret that he was unable to do so himself.

signed J. MARL

Private Secretary.

COPY.

Industrie-und Handelskammer
in Detmold

FILE INFO

Subject: Dismantling Ernst KUESTER-Kolibri-Werk.

I. Conference with Government Councillor Dr. SCHORN-
STEIN Ministry of Economics, Duesseldorf.

(This conference became necessary because no infor-
mation was received after the conference on 23 May
1947 with the same gentlemen.)

1.) Government Councillor Dr. SCHORNSTEIN states that
he called on Brigadier Clerk, the person concerned
with dismantling affairs in the Landes Military Go-
vernment Nordrhein-Westfalen, on the basis of my state-
ments on 23 May 1947 and the records submitted by me.
He found there an understanding on principle for the
situation. Brigadier Clerk had promised at the time
to have the case gone into thoroughly.

2.) Dr. SCHORNSTEIN suddenly received the information,
dated 30 May, from the Landes Military
Government Nordrhein-Westfalen, ^{which is enclosed} in German and English.

A further delay of the dismantling is refused because
the zone contains sufficient capacity for the manufac-
ture of the objects concerned and because a shortage
of raw materials may be expected to last for several
years.

3.) Dr. SCHORNSTEIN did not believe himself able to
be satisfied with such a decision which he was unable
to understand

and which, in practice, amounted to a destruction of a great part of the German casting industry. He called on Mr. CHASE the adjutant of the regional commissioner and discussed the case with him. Mr. CHASE told him that it was his personal opinion that Herr KUESTER would have been better off not to have made so much noise in England concerning this affair. (He was referring to the correspondence with the Member of the House Ton DRIBERG). Otherwise the situation would have cleared up of itself. But it might be possible that he had prejudiced the Military Government authorities here against himself. But this, however, is merely his personal opinion.

4.) Arrangements were made with Dr. SCHORNSTEIN to the effect that the affair would be turned over to the Administrative Office in Minden, Senate Councillor Dr. SCHMID, for renewed discussions. Senate Councillor Dr. SCHMID, it was said, had been informed orally by Dr. SCHORNSTEIN concerning this case. Dr. SCHORNSTEIN recommended to contact Senate Councillor Dr. SCHMID immediately. In his opinion the possibilities to achieve anything on the level of Land Nordrhein-Westfalen, were exhausted.

II. Discussion with the representative of the departmental expert of the synthetics industry in the Ministry of Economics Dusseldorf, Herr BECKER:

The English departmental officer of the Land Military Government Nordrhein-Westfalen, Mr. Inshaw also had

DOCUMENT BOOK 8 SCHNITZLER
SCHNITZLER-DOCUMENT No. 131

recommended dismantling. He had declared that the German synthetics industry would have to accept limitations pursuant to the decision by the Control Council, since raw material for the available capacity was not available either. In answer to the objection that the KJESTER plant never had produced permanent material he only said that it is up to the Military Government to select those plants for dismantling which it considers most suitable.

signed: Dr. HAUS

DOCUMENT BOOK 8 SCHNITZLER
SCHNITZLER-DOCUMENT No. 131

Exh. No. 3

COPY

HEADQUARTERS MILITARY GOVERNMENT LAND NORTH RHINE-WEST-
PHALIA, DUESSELDORF

714 HQ CCG BAOR

TO: Wirtschaftsministerium des Landes Nordrhein-
Westfalen Duesseldorf (for attention of Dr. SCHORN-
STEIN)

Subject: Evacuation of Equipment Meers. Ernst KUESTER
Kolibri-Werk, Schootmar

NRW/Beon 6506/3

30.5.47

- p.18
- 1.) This matter was referred to Zonal Executive
Offices, who, after consideration of all the factors,
have advised this HQ, that the arrangements made to
dismantle the abovementioned factory are to proceed.
 - 2.) The reasons given for this decision were:
 - a) There is ample capacity in the Zone for the
manufacture of products produced by the firm,
 - b) There will be for many years a shortage of raw
materials of the type required.
 - 3.) In these circumstances R D & R Division will act
upon instructions to proceed with Reparations action.

signed : CLARK

Brigadier (Ret'd)

Head of Land-Beon Inspectorate MilGov.
Land North Rhine-Westphalia.

Duesseldorf
Civ. 20 219
Ext. 442

Copy.

Senat der Hansestadt Hamburg
Mayer's Office
Secretariat: Peace Treaty
02 26-41

Hamburg, 4 July 1947

To
Herr Ernst Kuester
Kalibri - Werk

(21a) Schoetmar

Subject: Disposition of 6 manufacturing machines including moulds
and machine tools by requisitioning by the T-Force.

In answer to your inquiry via the Chamber of Industry and Commerce
I wish to make the following comment:

- 1) Except for the practical experience which local firms had with requisitioning by the T-Force, no basic principles concerning procedure of the T-Force, particularly concerning International or Civil Law, are known here.
- 2) Pursuant to the declaration relative to the defeat of Germany Article 5, dated 5 June 1945, the objects mentioned therein are to be kept available for the Allied powers including labor, supply and plant installations required for the maintenance or the working of said plants. These objects are: means of war, as well as other war material of all kinds and installations, plants, research institutes, laboratories, testing stations, technical records, patents, plans, drawings and inventions which serve the purpose of or are suitable for the production of such material or installations, to assist in their production or use or to assist in making war generally. Since your plant for decades

only produced combs and similar objects and did not manufacture any other articles during the war either and the machines in question were not used for any other purposes, it may be assumed that your machines were not requisitioned on the basis of the regulations of this declaration,

3. Accordingly General International Law as well as the Hague Rules of Land warfare of 1907 may be considered the basis for this requisition. It may be assumed that the Hague Rules of Land warfare or, in any case, the general International Law codified by it, is applicable at this time to Germany and its inhabitants. This corresponds to the unanimous concept represented in German literature concerning International Law and to the results of the conference of German instructors of International Law which took place in 1947 in Hamburg. I refer, in particular to the explicit discussions concerning this theme by Dr. Rudolf Lam, Professor for International Law at the Marburg University. Articles 52 and 53 of the Hague Rules of Land Warfare, in particular, are relevant.

Article 52

Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country and of such a nature as not to involve the inhabitants in the obligation of taking part in military operations against their own country.

- 3 -

Such requisitions and services shall only be demanded on the authority of the commander in the locality occupied.

Contributions in kind shall as far as possible be paid for in cash; if not, a receipt shall be given and the payment of the amount due shall be made as soon as possible.

Article 53.

An army of occupation can only take possession of cash, funds, and realizable securities which are strictly the property of the State, depots of arms, means of transport, stores and supplies, and, generally, all movable property belonging to the State which may be used for military operations. All appliances, whether on land, at sea, or in the air, adapted for the transmission of news, or for the transport of persons or things, exclusive of cases governed by naval law, depots of arms, and, generally, all kinds of ammunition of war, may be seized, even if they belong to private individuals, but must be restored and compensation fixed when peace is made.

It may be assumed without further ado that the machines which are being claimed are not to be considered requisitions in kind in the meaning of Article 52, as machines for the manufacture of combs can hardly be necessary for supplying the needs of the Army of Occupation.

- 21 -

- 4 -

Article 53 would justify the disposition of the machines pursuant to paragraph 2 if the machines were supplies of war in private possession. However it has been demonstrated under 1) that machines for production of combs do not come under this description.

- 4) I regret being unable to explain to you - according to my statements 1 to 3 - what the legal basis is for the requisitioning of your machines.

signed: Ipsen

(Prof. Dr. Ipsen)

Wirtschafts Zeitung

Friday 4 July 1947

No. 27

/ Page 9

DISMANTLING AND COMPETITION.

The dismantling of production installations also includes the German consumer goods industry and not only the armament industry. The British occupation zone also, now has an example of this kind: it is perhaps particularly remarkable because the connection between the British demands for dismantling and the obvious interest of a British competitor seems clearly discernible. It concerns a comb factory - the Kolibri-Werk Ernst Kuester in Schootmar - whose machine equipment has attracted the interest of Thurger Bolle Ltd. Embassy works in Irthlingborough, Northants. This firm has effected a so-called "Application of Allocation of Enemy Equipment" with the note that the removal of these comb-manufacturing machines is very urgent and that this dismantling is carried out for the benefit of research and development of comb production in the United Kingdom.

It may not be necessary to figure out publicly how often the firm in the course of the year has attempted to escape the danger of being dismantled and up to now - in vain. But it may be recalled that the British General Bishop in a speech in Stuttgart toward the end of April declared that it would be erroneous thinking if one were to assume that German industrial plants are dismantled for the advantage of British industry. Whatever may happen,

- 2 -

dismantling would not occur for self-seeking reasons. This was and remains an official statement from an authoritative source, and firms endangered like the plant in Schoetmar grasp it like the proverbial straw. It is comprehensible if Germany wishes such a statement to constitute more than a mere "straw", that is, to be something binding. In particular if, as is here the case, the firm concerned never permitted itself to be utilized for any sort of armament production or supply. The English seem to react in a somewhat detached manner to a point like the one just made, which we Germans, perhaps are inclined to overestimate. The decision concerning dismantling obviously depends on other factors and, officially, is based on two arguments: First the comb-production capacity in the British zone is sufficient anyway and, second there will be a shortage of required raw materials for years to come. The reasoning is kept somewhat general; and the reference to the present and certainly still continuing lack of raw materials may well serve as an introduction to the entire crippling of German industry.

Anyway, if even the German comb industry is measured by such scales and its capacity is being limited, there seems to be altogether little prospect for the development of a German peace time industry and of compensation for the losses demanded of heavy industry by the development of light industry, which in addition is to contribute to the revival and extension of foreign trade.

- 3 -

That firm which is afraid of becoming a victim of its British competitor was able to distribute about one quarter of its production in foreign markets. Perhaps even now, but certainly later, it will have sales chances there; perhaps initial steps would have had a chance of realization by now if it would not have been standing under the threat of being dismantled for one year and, now, will have to succumb to it. How then will German Industry ever have sufficiently successful export results if comb production is deprived of its elementary production necessities, if production limits are set by scales which are motivated by reasons of competition,

J.T.

Ernst Kuoster
Kolibri-Werk
Schoetmar

24.7.47

MEMORANDUM

Subject: Dismantling of the machinery of the firm of Ernst Kuoster-
Kolibri-Werk, Schoetmar

A. Short factual summary as per 24. July 1947.

On 24 May 1946 a commission of a technical unit (T-Force) appeared at the plant. They marked 6 manufacturing machines of a total of 8, the moulds belonging to ~~the~~ indispensable auxiliary machines. As can be proven ¹⁾ the dismantling was to be prepared for the benefit of the firm of Thurger Balle Ltd. "Embassy" works, Irthlingborough, Northants. The owner of this firm was a member of the commission. No written information of confiscation was issued. The firm was not found on any dismantling list.

Urgent objections were made currently via the Trade Association, the Chamber of Industry Detmold, the Government President, the Ministry of Economics, the Land Chancery, the Advisory Council for Foreign Commerce etc. The firm also succeeded in appealing to the Foreign Office via a member of the House. Again and again the following was pointed out:

1. The firm never carried out any armament orders but has produced combs for the last 55 years. The machines intended for dismantling are unsuitable for war purposes.
2. The owner of the firm (at this time president of the chamber of Industry and Commerce in Detmold) is not incriminated either politically or otherwise.

1) By accident the firm received a copy of the form Application for Allocation of Enemy equipment, bearing the BIOS No. 2201 and Serial No. 6933.

- 2 -

3. In normal times the firm has exported up to one third of its production. Dismantling would mean the destruction of export possibilities amounting to approximately the value of 500 000 dollars annually.

The Economic Officer Nordrhein/Westfalen stated on 30 May 1947 that the Central Executive Office had ordered the dismantling continued.²⁾

Reasons given:

- a) the remaining capacity in the zone is sufficient
- b) the lack of raw material will continue for years.

The T-Force ordered the machines to be dismantled and to be packed by 13 June 1947.

(Conferences at H.Q. Bad Oeynhausen resulted in an extension to 21 June 1947.)

Meanwhile the chairman of the advisory council for foreign trade for the British and American zone, the former Mayor Petersen, Hamburg had applied on 16 June 1947 to the Bipartite Economic Panel, Berlin, for rescission of the dismantling order and to preserve the plant for the export.

This proceedings were supported by applications made to the "JIEA (Joint Import-Export Agency) Minden, for transmittal to the Bipartite Control Group. The firm was able to submit many inquiries from abroad and other material to substantiate their export prospects.

However on 17 June 1947 the T-Force again appeared at the plant. The Kreis Resident Hickson, Military Police and the Intelligence Service were brought in, obviously because dismantling had not been started as yet. This resulted in a more severe order to start dismantling immediately

2) Under the Reference No. NRs/Econ6506/3

- 3 -

On the evening of the same day (the firm meanwhile had contacted by telephone the competent authorities at the VAW and the "JISA", Minden) we were informed that Brigadier Cowley had been able to effect a temporary delay in dismantling from General Bishop.

On 21 June 1947 Col. Hickson stated that the Bipartite Economic Group (Brigadier Cowley) had approved the confiscation of the machinery and that the T-Force must be permitted to pack up the machinery.

At this time the T-Force has ordered that two paper-cutting machines are to be packed. The casting machines may continue to run, - (handwritten) the machines meanwhile have been removed.

B. The legal aspect of dismantling.

1. International Law is applicable to the relations for nations at war and their members and, thus also to the relations between victors and vanquished. International law is considered one of the highest achievements of humanity.

Now it has been said that Germany, by unconditional surrender waived their right to appeal to International Law. But only the Wehrmacht surrendered unconditionally! In addition it is a legal waiver only if there is shown either an unequivocal desire to waive or if it may be deduced unequivocally from the circumstances. In addition high

- 4 -

Allied officers have stated that the Allies are not bound by International Law because Germany, in war time, repeatedly had put itself outside of International Law. That would really mean reprisal and would be valid only for the duration of the actual state of war. However, this point of view can hardly be applied legally to a vanquished and completely defenseless nation. Such an interpretation of law is expressed in an expert opinion by Dr. Ipsen, professor of International Law, Hamburg,³⁾ and by a judgement of the Superior Court of the Kanton Zuerich (1 K 1, 12,45).⁴⁾ The Zuerich judgement which may well lay claim to absolute objectivity, establishes with extensive scientific reasoning that notwithstanding unconditional surrender and despite the lack of a Reich Government, there is a German sovereignty whose bearers and trustees at this time are the military powers. This sovereignty did not disappear by "annexation". The agreements with Germany pursuant to International Law (thus also the Hague Rules of Land Warfare) are not void. Paragraphs 52 and 53 of the Hague Rules of Land Warfare are legally valid today also during this state of "martial occupation". However "contributions in kind" can be demanded only for the needs of the army of occupation and, only "ammunitions of war" can be confiscated from private persons.

3) Secretariate Peace Treaty at the Senate of the City of Hamburg/ The expert opinion is available.

4) Published in the "Deutsche Rechtszeitschrift", January 1947.

Machines used in comb-manufacture are hardly to be considered for that.

- II. According to the declaration of the Allied Powers on the defeat of Germany of 5.6. 45, Art. 5, such factories and their installations are to be kept at the disposal of the Allies, which are established or fit for armaments production or can be made to serve the war effort in general.

The Kolibri-plant which for 56 years has manufactured only combs and also is not incriminated politically or otherwise, doubtlessly does not belong to factories of this kind.

- III. Major Howard, "TR"- Force, Kamen, in his letter of 10 July 1947 bases dismantling on Art. 12, especially Section V, Par. 12-16 of the proclamation of the Control Council of 20 October 1945 (meant is obviously the proclamation of 20 September 1945), Art. 12 (should mean : Section 12) merely says, that German authorities or all other persons capable thereof are obligated to furnish such information and to deliver or induce delivery of public and private documents of any kind demanded by Allied representatives.

Section V, Par. 12 pronounces a general right of control over all German administration and economy. Par. 16 (c) says among other things that all machinery and installations subject to delivery according to the

- 6 -

decrees issued are to be handed over intact and in good condition.

No special amplification is necessary to show that these provisions offer no legal foundation for the dismantling and delivery. In the last analysis these are procedural provisions laying down particularly the participation of the German population.

IV. The Foreign Office (Bureau of Lord Pakenham) in its letter of 31.5. 1947, examined closely, also only demonstrates the legality of the procedure applied, is however silent in regard to the legal foundation of the "industry-investigatioⁿ carried out under the protection of the Ministry of Economics.

Beyond that it must not be overlooked that in the case of the Kolibri-plant the dismantling is outside the well-defined DIOS. - procedure. The letter of 31.5. 1947 says that it is the purpose of this procedure:

- a) to start investigations and to furnish reports on industry planning, installations, equipment, patents etc. in individual enterprises and factories, as well as
- b) to discover special equipment and to transport it from Germany, that is detection equipment, prototype-machines and samples of new methods applied in Germany since 1939.

To that the following is to be said:

- a) The confiscated die-casting machines are by no means prototype machines. The manufacturing method goes back to an American patent of 1872. By

- 7 -

no means do we deal here with a manufacturing method applied in Germany only since 1939.⁵

b) If merely a new manufacturing method was looked for, the dismantling and delivery of 1 or 2 machines together with all plans etc. would have been sufficient. Actually the delivery of almost the whole machine park on behalf of the English competitor Thurgar Bolle Ltd. is in this case demanded.

c) These so-called "BIOS" procedures (also the current ones) had to be concluded by 30.6.47.

The following was published on 27 March 1947 for the authorities concerned (apparently on the basis of V, fig. 6 of the Potsdam agreement of 2.8.45):

"By agreement among the deputies of the Military Governors for the British, US and French Zones the following order on the termination of the activities of FIAT (Field Intelligence Agency Technical) and BIOS (British Intelligence Observation Sub-Committee) is herewith published.

"The Allied technical investigations of German industry under the viewpoint of BIOS and FIAT have been carried out without interruption since June 1945.

5) To this an expert opinion is available by Ing. Thilenius, Hannover.

- 8 -

All Allies were free to take part in these investigations and many Allied Governments have dispatched investigation staffs that have taken advantage of the possibilities put at their disposal by the Zone-Administration.

The British, U.S. and French authorities by considering Germany's momentary economic situation in the West-Zones and the increasing difficulties in regard to the availability of quarters etc. have decided to terminate all technical investigations on the spot under the viewpoints of BIOS and FIAT. After 15th of May 1947 no technical industry-investigator of the above organizations may enter the British, US or French Zones of Germany and all industrial - technical investigations must be concluded by 30.6.47 (and all current ones)."

According to the letter of 14.7. 1947 before us by the Foreign Trade Councillor (Mayor in reserve Paterson), Brig. Gen. C o w l e y and Mr. B a r r o w s, Bipartite Economic Control Group, Minden, have concurred that the "T"-Force, which was terminated on 30.6.47, does not have the right anymore to remove individual machines.⁶⁾

V. The decision of the zonal Executive Office of 30.5.47, which apparently has examined the action of the "T"-Force from the

6) Of new the so-called "multilateral action" was started. The hitherto "BIOS"-procedure cannot be transferred into the new procedure because of the express limitation: That in the new procedure only superfluous machines may be taken out and that by removal the continuation of the plant concerned must not be disturbed.

- 9 -

general reparation viewpoint, lacks then at any rate in the opinion of the firm, any basis in international law. In addition it is not convincing because

- a) the alleged over capacity has so far by no means remedied the shortage of combs,
- b) the over capacity, if it would exist, would be necessary here, for the not restricted consumer goods industry is supposed to furnish a major part of the export. (109% of the value of 1936 according to the plan of the Control Council of 26.3. 1946).

VI. The opinions in the Nuernberg Trials are based to a great extent upon violated international law. A general legal axiom says that one must accede validity to a norm of law also if it disfavors the case, if it is applied in favor of it.

C. Economic points of view.

I. On 26 March 1946 the Control Council in agreement with the Berlin protocol approved the so-called industry plan, which defines extent and kind of industrial plants, which are not necessary for the maintenance of the German living standard and therefore are intended for removal from Germany as reparations. The plan⁷⁾ excludes production, necessary for war, but not for a peace economy. Then it cuts in deeply into industrial branches that represent essential aids in a modern war,

7) These and subsequent statements are based on the works report of the Economic Division of the American Military Government, published in "Europe-Archive" Documents, I. Volume.

- 10 -

but are also necessary for peacetime production. Finally in the course of promoting peacetime industries the plan leaves wide room for the development of peaceful industries.

Accordingly the manufacture of combs (consumer goods) does not belong to the industries slated for contributing to reparations. No production limits are set to them. They may develop freely "within the limits of available materials and financial possibilities."

II. In the course of promoting peaceful industries the export of consumer goods was then set at 109 % of the value of 1936.

According to the plan, Germany is almost entirely excluded from export branches in which before the war it was in the lead (metallurgical industry, machine-industry and chemicals) and limited to the manufacture of consumer goods.

III. The export situation of the Kolibri-plant in particular is favorable:

a) The raw material used in the manufacture of combs by distilling is a by-product, resulting from the processing of coal. Presently a fairly sufficient quantity is available. Every increase in the steel quota and in the production of coke also increases the amount of this raw material.

b) the raw material therefore is of German origin and is extensively refined, creating new value, thus meeting the demands of the "JEIA" for export -- goods.

- 11 -

c) the Kolibri-plant is ready to pack and ship the goods for export.

The plant, which in normal times exported up to 1/3 of its production possesses for the export business experiences and connections.

d) Numerous reports from USA and other countries reveal that the products of the Kolibri-plant qualitatively and in taste meet the present requirements of the international market.

e) Based on the known foreign circles the export would correspond to an actual dollar income of about 550.000 Dollars and this money would be available to pay for imports.

The intended dismantling would kill all these hopes and possibilities, and - especially prior to the opening of the Export Fair in Hannover - where the firm will be represented - neither at home nor abroad will it find understanding of not only the interested economic circles.

Wa.

BRIST
K U E S T E R KOLIBRI-WORK
SCHÖETMAR.

Excerpt from an article of the

"Neue Züricher Zeitung"

Summary of a visit by Germans to London.

From our special correspondent.

(Dr. Schuetz - note of firm)

Informal talks and getting to know each other. - this is the result of a trip by 11 German parliamentarians from the British Zone of Occupation to London. The invitation was issued by the Hansard - Company, whose president, Commander Stephan King - Hall played the untiring host to his German guests.

The focal point of the London talks turned around the burning problems of the day. The German representatives were unanimous, and left no doubt in the minds of their hosts, that another winter of hunger would completely uproot the feeble marshaling of democracy in Germany and that the calmness and patience with which the people endured last winter was a real miracle, the kind of which could not be expected any more. The English had to listen to many a frank word about the administrative chaos in the British Zone, the cause of which lies in the last analysis in the system set up by the occupying powers which is topped by an absolutistic occupation hierarchy. Finally Minister for Economics Noeltling brought along numerous details of dismantling cases still threatening, about which British parliamentarians and even officials of the ministries concerned were surprised, since there has constantly been talk of an end to dismantling in London.

- 2 -

Now not only the plants are threatened that are on the reparations- and demilitarization list, but also plants like a comb-factory in Lippo, the Kolibri-works, that even recognized in a member of the suddenly appearing reparations-commission an eager competitor. Economy Minister Noelting also pleaded in favor of a ball bearing factory near Duesseldorf, which after the dismantling of the ball bearing factories in Schweinfurt remain^s the only source of supply left in Germany.

What surprised the German visitors was the scant knowledge of German problems to be found in parliamentary circles in London and far up in the ministries. The Diet-members (Landtagsabgeordnete) from Germany arrived in London thinking that they would find there at least an approximate knowledge of the essential facts, since the debates on German questions and the statements by the ministries emanating from London since 1945 had conveyed this impression. What surprised the German visitors most was the fact that the English hardly knew the construction and methods of their own occupational hierarchy. The wondering and quite interested questions which the German parliamentarians were asked by the British members of parliament and peers, conveyed to the former for the first time a direct impression of the cause for the contradiction between what is said in London and what is done by the occupational authorities in Germany.

- - - - -

I, Dr. Walter S i e m e r s, Attorney at Law in Hamburg, at present Defense Counsel with the American Military Tribunal in Hamburg, herewith certify that the attached document:

Affidavit by Johannes S c h r o e d e r

of 1 September 1947

is a word by word copy of the Original.

The document was submitted to the Military Tribunal IV by the Defense Counsel in Case V (Flick-Trial) as Weiss Document No. 1198 and accepted by the Military Tribunal as Exhibit No. 178.

Hamburg, 9 March 1948

(Dr. Siemers)

Weiss (Flick) Doc.No. 1198, Exh. 178

Essen, 28 August 1947

I declare on oath before the Court and before the authorities that the following statements are correct: My name is Johannes SCHROEDER, born on 15 June 1905, residing in Essen, Hohenzollernstrasse 12. I am Director of the firm of Fried. KRUPP Essen.

The British Military Government has directed that the semi-finished and finished war material available at Krupp, regardless whether it is owned by Krupp or by the German Reich, has to be destroyed. It mainly concerns objects of the firm of Krupp which are just under process and the ownership of which had not been transferred to the Reich. Scrap-metal the value of which amounts to RM 5.000.000.-- accrued by this destruction. We agreed to this destruction of armament material according to Law 43 without raising any objections, but we requested the handing over of the scrap-metal for the purpose of selling it through our scrap-metal department in cooperation with the VSE (administration office for steel and iron, Duesseldorf) to the consumers. The department of the Disarmament Branch which has been established with us, declared however that they considered the scrap-metal which accrued through the destruction, as "booty". The firms who received the scrap-metal, had to deposit the profit on a special account with the Military Government. KRUPP would not get this money. Then we protested against this directive, referring to the Hague Convention on Land Warfare, the representative of the Disarmament Branch in our firm, Mr. SZYMANOWSKI, presented to us, the R.D.R. Div. Techn. Instr. No. 6 of 5 June 47 which is attached as an enclosure, which should prove that the scrap-metal even if it belongs

Weiss (Flick) Doc.No. 1198, Exh.178

to civilians, should be considered as "booty". He explained to us, that this instruction is based on the decisions of the conference of Potsdam. Although we pointed out on the next day, that we also could not find a basis for the Techn. Instr. 6 in the decisions of the conference of Potsdam, inasfar as they had been made known to the public, he insisted on his viewpoint. The scrap-metal which accrues through the destruction of war material, is shipped away as "booty" now as before. The text of the R.D.R. Div. Techn. Instr. No. 6 which is enclosed, is a copy of the copy of the technical instruction presented to us by the office of Mr. SZYMANO SSI. I certify that this copy agrees with the one, which was presented to us.

signed: Johannes SCHROEDER
Johannes Schroeder

Enclosure

Number 378 of the document roll for 1947
I herewith certify the overleaf signature of Herr Director Johannes SCHROEDER, Essen, Hohenzollernstrasse 12

Essen, 1 September 1947
signed: Dr. RUST

L.S.
Dr. Walter BALLAS
Notary Public in Essen

Attorney-at-Law
officially appointed Deputy
of the Notary Public
Dr. Walter BALLAS,
Essen.

Fees:
Value: RM 3.000
Fee paragraphs 144, 26, 39 RKO RM 4;--
U.St. 3% 0,12
RM 4.12

The Deputy of the Notary Public
signed: Dr. RUST

C O P Y

Ref. RDR/II/94302/5

R.D.R. Div. Techn. Instr. No. 6
5 June 1946

REPARATIONS DELIVERIES & RESTITUTIONS DIVISIONS
MAIN HQ

Subject: War Material and Booty - Definition of

1. War material was defined in CORC/F (45) 130 annexure A and approved by CORC/M (45) 16 as follows:

CORC/P (45) 130 "Any material of whatever nature and wherever situated, intended for war on land, at sea, or in the air, or which is or may be or has been at any time in use by, or intended for use by the armed forces, civil defense, or other formations or organisations".

2. Booty has now been defined as: -

Sugra 272 "Arms, munitions and implements of war, and all research and development facilities (including documents, material and training devices) relative thereto."

This definition is operative as from 1st January 1946.

3. In amplification of above definition it has been agreed. -

Sugra 532 (a) Para 3 that the criterion to be applied in all cases is the use or intended use in or by Germany. The use to which the material will be put by the country receiving it as booty is immaterial, and does not affect its classification

Sugra 532 (b) Para 2 (a) & (b) that research sites, included in "facilities" referred to above, should mean only establishment devoted to research and development work relating to arms, ammunition or implements of war, whether owned by the German government or privately. The contents of other research establishments are not booty or such material as is not ready for use, can not be classified as booty.

4. (a) Material falling within the definition of booty can be removed to the United Kingdom by the appropriate authorities in the British Zone, outside the reparation procedure and without payment.

(b) Industrial capital equipment not falling within the definition of booty can be removed from the British Zone only under the reparation procedure, including such unilateral procedure as may be authorized.

-2-

(c) Goods and raw material not falling within the definition of booty and not capable of being regarded as industrial capital equipment may be exported by the appropriate authorities in the British Zone.

The Procedure for deliveries of Reparations or booty which have not been the subject of quadripartite allocation is laid down in Main HQ CCG (BR) letter No. H/012100/Sec of 1st March 1946.

5. Technical instruction No. 5 issued to HQs Mil.Gov. Regions.

DISTRIBUTION

Standard list.
HQ Mil.Gov. CCG (BR) ten copies, each for RDR Reps.
through RDR 3

signature
D/Chief (Exec.)
Main H.Q.
R.D.R. Division

I, Dr. Walter Siemers, attorney at law in Hamburg, at present Defense Counsel before the American Military Tribunal in Nuernberg, hereby certify that the attached document:

Law No. 43

Prohibition against the Production, Importation,
Exportation, Transportation and Storing of War
Material

is copied literally from the

Official Bulletin
of the Control Council
in
Germany
Number 13
31 December 1946

The underlinings have been made by the Defense.
Nuernberg, 21 March 1948

(Dr. Siemers)

Excerpt from:

OFFICIAL GAZETTE
of the Control Council
in
Germany

No. 13,
dated 31 December 1946

Law No. 43

Prohibition of the Manufacture, Import, Export, Trans-
port and Storage of War Materials
Control Council

In order to prevent the rearming of Germany, the
Control Council enacts as follows:

Article I

1.) The manufacture, import, export, transport
and storage of the war materials specified in Schedule
A annexed hereto are prohibited. All existing stocks
of such materials shall be destroyed, removed or con-
verted to essential peacetime uses as soon as possible,
according to the instructions of the appropriate Zone
Commander (in Berlin, the appropriate Sector Commander).

2.) Museum specimens and specimens of historic
value are excluded from the provisions of Paragraph 1
of this Article.

3.) The expression "war materials" specified in
Schedule A includes components, accessories and spare
parts of such materials, which are specially designed
for military use.

Article II

The manufacture, import, transport and storage

of the war materials specified in Schedule B annexed hereto shall be permitted only with the authority and under the control of the appropriate Zone Commander. The manufacture of the materials in this Schedule shall provide only for essential peacetime requirements; existing stocks of the materials in excess of such requirements shall be destroyed or removed according to the instructions of the appropriate Zone Commander. The export of materials specified in Schedule B may be permitted by authorization of the appropriate body of the Allied Control Authority.

ARTICLE III

The following materials shall be deemed to be within Schedule A, insofar as manufacture is concerned, and within Schedule B, insofar as import, transport, and storage are concerned:

(a) Arms and ammunition destined for authorized internal security services, and for other authorized purposes;

(b) Cryptographic machines and devices for cipher work for use in civil and authorized, internal security services.

Article IV

1.) Any person, organization, or group of persons, owning or controlling any existing stocks of the materials specified in Schedule A or Schedule B, shall file a written declaration of such materials with the appropriate Zone Commander within 90 days after the effective date of this Law.

2.) Any person being aware of the existence of such stocks which have not been declared to the appropriate Zone Commander shall himself declare them.

Article V

At the request of the interested Occupation Powers, the

prohibited material listed in Schedule A may, as an exception, be listed in Schedule B by the Allied Control Authority, or by a body acting on their behalf, in cases where it will appear that such materials are destined for peacetime requirements and not designed specially for war purposes and are not dangerous in themselves.

Article 6

1.) Any person violating, or attempting to violate any of the provisions of this Law or of any regulations hereunder shall be liable to prosecution before a Military Government Court and upon conviction shall be subject to the following punishment with or without confiscation of his property in whole or in part:

- (a) Imprisonment (Gefängnis) for a term not exceeding five years;
- (b) Hard Labor (Zuchthaus) for a term of not less than one year and not more than fifteen years;
- (c) In serious cases, hard labor for life, or death.

2.) Any organization violating, or attempting to violate any of the provisions of this Law or of any regulations hereunder shall be liable to prosecution before a Military Government Court and its property confiscated by order of the Court.

Article VII.

This Law shall come into force on the date of its publication.

Done at Berlin 20 December 1946.

Joseph T. McNARNEY
General

SHOLTO DOUGLAS
Marshal of the Royal Air Force

P. KOENIG
Général de Corps d'Armée

P.A. KUROCHKIN
Colonel General
for V.SOKOLOVSKY
Marshal of the Soviet Union.

SCHEDULE A

Group I

(a) All weapons including atomic means of warfare or apparatus of all calibres and natures capable of projecting lethal or destructive projectiles, liquids, gases or toxic substances, their carriages and mountings.

(b) All projectiles for the above and their means of projection or propulsion. Examples of means of propulsion are cartridges, charges, etc.

(c) All military means of destruction such as grenades, bombs, torpedoes, mines, depth mines, depth and demolition charges and selfpropelled charges.

(d) All military cutting or piercing weapons, (in French: white arms), (in Russian: cold arms), such as bayonets, swords, daggers and lances.

Group II

(a) All vehicles specially equipped or designed for military purposes such as tanks, armored cars, tank-carrying trailers, armored railway rolling stock, etc.;

(b) Armor of all types for military purposes;

(c) Harness specially designed for military purposes.

Group III

(a) (I) Range-finding apparatus of all kinds for military purposes;

(II) Aiming, guiding, and computing devices for fire control;

(III) Locating devices of all kinds (particularly all devices for radio direction finding and all devices for radio detection);

(IV.) Instruments for assisting observation of fire or for the remote control of all moving objects,

- (b) All signaling and inter-communication equipment and installations specially designed for war purposes; all apparatus for radio interference.
- (c) Searchlights with mirror diameter of more than 45 cms.
- (d) Optical instruments of all kinds specially designed or intended for war purposes.
- (e) Survey and cartographic equipment and instruments of all kinds specially designed for war purposes. Military maps and equipment for using them.
- (f) Military engineering tools, machinery and equipment such as special bridging material.
- (g) Personal military equipment and uniforms, and military insignia and decorations.
- (h) Cryptographic machines and devices used for cipher purposes.
- (i) All camouflage and dazzle devices.

Any of the materials listed in Group III, except for electronic devices such as radar, radiogoniometric and similar equipment, that have a normal peace-time use and are not specially designed for military use, are excluded from the provisions of paragraph 1, Article I, of the Law.

Group IV

- (a) Warships of all classes; All ships and floating equipment specially designed for servicing warships. All ships with characteristics exceeding those required for normal peacetime uses; or designed or constructed for conversion into warships or for military use.
- (b) Special machinery, equipment and installations which in time of peace are normally used solely in warships.
- (c) Submersible craft of all kinds; submersible devices of all kinds, designed for military purposes. Special equipment pertaining to these craft and devices.
- (d) All military landing devices.
- (e) Material, equipment and installations for the military defense of coasts, harbors, etc.

Group V

- (a) Aircraft of all types, heavier or lighter than air; with or without means of propulsion, including kites, captive balloons, gliders, and model aircraft, and all auxiliary equipment, including aircraft engines and component parts, accessories, and spare parts specifically designed for aircraft use.

(b) Ground equipment for servicing, testing, or aiding the operation of aircraft, such as catapults, winches and beacons, material for the rapid preparation of airfields, such as landing mats; special equipment used in conjunction with air photography; excluding, however, from the provisions of paragraph 1, Article I, of this Law any such equipment and materials for landing fields and air beacons that have a normal peace-time use and are not specifically designed for military use as listed in Schedule B.

Group VI

All drawings, specifications, designs, models and reproductions directly relating to the development, manufacture, testing, or inspection of the war material, or to experiments or research in connection with war material.

Group VII

Machinery and other manufacturing equipment and tooling used for the development, manufacture, testing or inspection of the war material defined in this Schedule, and not capable of conversion to peacetime production.

Group VIII

(a) The following War Chemicals:

High explosives, with the exception of those listed in Schedule B, Group VIII(a).

(Note: By "high explosives" is meant organic explosives used as fillings for shells, bombs, etc.)

Double base propellants (i.e. Nitrocellulose propellants containing nitroglycerine, diethyleneglycol dinitrate or analogous substances).

Single base propellants for any weapons except sporting weapons.

Nitroguanidine.

Poison war gases (including liquids and solids customarily included in this term) with the exception of those listed in Group VIII (b) of Schedule B.

Rocket Fuels:

Hydrogen peroxide of above 37% concentration.

Hydrazine hydrate.

Methyl nitrate.

Highly toxic products from bacteriological or plant sources, (with the exception of those bacteriological and plant products which are used for therapeutic purposes).

(b) All special means for individual and collective defense used in peace exclusively by the armed forces, such as protective masks against toxic or lethal devices used for war, detection apparatus, etc.

Group IX

All apparatus, devices, and material specially designed for training and instructing personnel in the use, handling, manufacture or maintenance of war material.

SCHEDULE B

Group I

(a) Demolition charges used for public works , mines, quarries, etc., and their auxiliaries including explosives used for industrial purposes.

(b) Explosive appliances for industrial and agricultural use, such as railway fog signals, life-saving rockets and equipment, devices specially designed for the humane killing of livestock, etc. and their accessories, and means of operation.

(c) Sporting weapons and ammunition for sporting weapons.

Group II

Non-cemented armor necessary for industrial purposes.

Group IV

Speedboats.

Group V

(a) Equipment and materials for landing fields and air beacons which have a normal peacetime use and are not specially designed for military use.

Group VIII

War Chemicals which are nevertheless required for peace economy.

(a) High explosives:

Trinitrotoluene

Tetryl

Pentaerythritol tetranitrate

Pionic acid

Dinitrotoluene
Nitroglycerine
Initiating explosives
Nitrocellulose
Single-base propellants for sporting
weapons

(b) Potential Poison War Gases:

Chlorine
Phosgene
Hydrocyanic acid
Chlorinated ketones
Halogenated carboxylic acids and their esters
Cyanogen halides
Lachrymatory halogen derivatives
of hydrocarbons

(c) Other Chemicals:

Hydrogen peroxide having a concentration of 37% or less
Liquid oxygen
Activated carbons
White Phosphorus
Incendiary compositions, e.g.
Thermites
Smoke-producing substances, e.g.:
titanium tetrachloride and silicon tetrachloride.

+++++

Affidavit.

I, the undersigned, Dr. (eng.) Paul Hansen, Department and Plant Manager of the firm of Fried. Krupp, born on 22 June 1902 in Cologne, residing in Essen, Goethestrasse 32, have first been duly warned that I will render myself liable to punishment if I give a false affidavit. I declare on oath that my statement represents the truth and was made for the purpose of being submitted in evidence to Military Tribunal III A, Case 10, in the Nuernberg Palace of Justice, Germany.

At the order of the Military Government, R.D. & R. Division, the Bogbeck foundry of the firm of Fried. Krupp has been in the process of being dismantled since February 1946 as reparations property for Russia. Of the approximately 58,000 tons of machines and equipment and an additional 35,000 tons of building construction material which are to be delivered as reparations about 46,000 tons of equipment and 6,000 tons of building construction material have already been dismantled, cleaned, packed and shipped up to now.

The evaluation of this reparations property was undertaken on three occasions, the first being in November 1945 and the second in June 1946 by the firm of Krupp and the third in September 1946 to April 1947 by an Evaluation Team from the R.D. & R. Division.

The instructions of the Control Council prescribed the process of evaluation as follows:

The starting point is the year of purchase and the purchase price of the equipment in question. This purchase value is refigured as of 1938 on the basis of a price index list drawn up by the Control Council. (Value in 1938). The Control Council has likewise laid down depreciation laws or ages for the various types of machines for ascertaining depreciations.

- 2 -

If the first evaluation substantially higher ages of the machines could be taken as a basis than in the second and third evaluation. This is responsible for the sharply declining depreciated value of the second evaluation in comparison with the first. As a result of the calculated depreciated value being driven down even further during the proceedings of an Interallied Commission the depreciated value dropped to about RM. 12.8 million during the third evaluation, Appendix 1. This depreciated value was not recognized by me in my capacity as the responsible specialist of the Krupp firm in these matters.

Since this is a modern plant which completely not present-day requirements of engineering and economic exploitation the third evaluation in particular must be characterized as a considerable under-evaluation. Appendix 2 is attached to indicate the result of the evaluation. In this appendix the purchase values or 1938 values of the equipment were added up, which in the third evaluation gave a depreciated value of RM 0.00, that is, therefore, 0% of the purchase value. Furthermore, the purchase values were added up of pieces of equipment which showed a depreciated value of between 1 - 5%, 6 - 10%, and 11 - 15% of the purchase value in the third evaluation. One sees that equipment with a 1938 value of around RM 20 million shows RM 0.00 in the third evaluation.

It is obvious even to a layman that this evaluation total for a plant which is to be counted among the most modern foundry installations in Europe must be described as catastrophic.

An evaluation in which about 40% of the plant shows a depreciated value, that is, current value, of RM 0.00 cannot be correct, since a plant which is ready for operation and works economically must always continue to have a certain current value. The amount of this current value is another question which must be left to expert appraisal. In any case it cannot be RM 0.00.

- 3 -

However, if this evaluation were correct it would be incomprehensible that such a worthless plant should be placed on the reparations list for covering the reparations debt, for the costs of dismantling this plant are out of proportion to the evaluation figure. Up to August 1947 the total outlay for dismantling costs amounts to about RM 13, 500,000 and by the end of the dismantling will reach at least RM 20,000,000, that is, more than RM 200 per ton will be spent for dismantling, packing and shipping, while the credit entry in the reparations account will amount to only about RM 100. per ton. Up to now about 2840 freight cars and 24 barges have been required to transport the dismantled property to the seaport of Hamburg. Almost 5000 cubic meters of wood were used in packing. More than 30,000 square meters of paper were used for preparing explanatory drawings and shipping papers.

It might also be remarked that the non-transportable equipment, which remains behind, such as bunker systems, foundations, masonry both in furnaces and factory lofts, represents an estimated value of RM 50,000,000. These plant assets are lying fallow and are accordingly worthless for further utilization.

In conclusion it should be pointed out that the workers employed in the dismantling, who amounted to 2800 men at their peak and who still number 1750 men today, have already been engaged in unproductive work now for 2 years and have accordingly been taken away from the productive work of reconstruction for the German economy.

Appendices

signed: Paul H a n s o n

- 4 -

Essen, 18 February 1948

Number 236 of the Registry for 1948

The above signature of Paul Hansen, Essen, Goethestrasse 32,
executed before the Notary's representative, Dr. Rust, is hereby
certified and witnessed by me.

Essen, 10 February 1948

signed: Dr. R u s t
Attorney at Law

as officially appointed representative
of the notary Dr. Walter Ballas, Essen.

Bill of costs:

Value: RM 3000

Fee Par. par. 1-4, 26, 39 RKO RM 4.00

" .12

RM 4.12

The Representative of the Notary

signed: Dr. Rust.

Appendix 1

Evaluation including

Friedr. Krupp, Essen
Forbeck Foundry

I. F.K. Evaluation
Nov. 1945

II. F.K. Evaluation
June 1946

III. Evaluation by
Interallied Commission
Sept. to April 1947

	Value 1938	Depreciated Value	Value 1938	Depreciated Value	Value 1938	Depreciated Value
A. Total RM.	41,213,779	36,634,922	60,280,960	20,033,930	50,857,549	12,810,467
Total weight:	approx. 95,000 tons		approx. 92,000 tons		approx. 93,400 tons	
Price per ton:	RM 650 per ton	RM 385 per ton	RM 655 per ton	RM 218 per ton	RM 540 per ton	RM 137 per ton
B. Total after also deducting depreciation for 1947: RM					50,857,549.-	9,566,855.-*
Price per ton					550.-RM per ton	102.-RM per ton
C. Total if "B" is also not allowed 20 % F.K. surplus:					49,062,684.-	9,314,896.-**
Price per ton					RM 530 per ton	RM 100 per ton

* 22% of the 1938 value = 11,188,661 corresponding to RM 120 per ton

** 22% " " " = 10,795,122 " " " RM 115 " "

May 1947

DOCUMENT BOOK VIII SCHMITZNER
DOCUMENT N. 134

Appendix 2

Purchase Value RM	Value in 1938 RM	War Damage RM	Depreciated Value RM	Depreciated Value - % of Purchase Value
18,514,841	20,123,149	1,628,981	0	0
6,357,471	5,994,375	198,681	166,038	1-5
1,690,344	1,668,042	168,326	143,653	6-10
541,286	521,569	70,344	67,870	11-15
27,103,942	28,307,135	2,066,332	377,561	15% and more
22,620,103	22,550,414		12,432,906	
49,724,045	50,857,549		12,810,467	

I, Dr. Walter S i e n e r s, attorney at law in
Hamburg, at present defense counsel before the American
Military Tribunal in Nuernberg, hereby certify that the
attached copy conforms literally to the article

"Marshal Insists on Continuation of
Dismantling"

in the newspaper "Nuernberger Nachrichten", general newspaper
for Bavaria, Edition A, 4th Year/Number 12, Wednesday, 11
February 1948.

Nuernberg, 14 February 1948

(Dr. Sieners)

Excerpt from:

"Nuernberger Nachrichten"

General Newspaper for Bavaria - Edition A

Wednesday, 11 February 1948

4th Year/Number 12

Marshall Insists on Continuation of Dismantling

Washington, 10 February. (UP) - Replying to the criticism, by Republican congressional circles of the American dismantling policy in Germany, which was in part very severe, the American Secretary of State, George Marshall, expressed himself in favor of the continuation of dismantling, since otherwise the confidence of powers who were wartime allies would be shaken and the costs of the European reconstruction plan would be increased. In a memorandum issued by the State Department Marshall decisively rejected the suggestions of the Republicans that General Lucius D. Clay should be ordered to stop all further dismantling pending a new Congressional investigation. At the notion of Senator Styles Bridges of the Senate Approvals Committee the occupation authorities would be ordered to ascertain whether certain special industrial plants would not better serve the reconstruction if they were left in Germany. However, the conclusion was reached that the German reparations program must be continued in its present form, since it would only encourage and not hamper the reconstruction of Europe. The "New York Times" writes that the experts, however, are not

- 2 -

in agreement on this statement of Marshall's and that it was obvious that the dismantling would last for years at least and require thousands of workers and would therefore result in a loss of time which would only increase the burden on the American taxpayer.

I, Dr. Walter Siemers, Attorney at Law in Hamburg,
at present Defense Counsel with the American Military Tribunal
Nuerberg, herewith certify that the attached excerpt
from the article:

"US - Government about Dismantling.

Answer of the State Dep. to the House of Representatives."

is a word by word copy from the newspaper:

"Die Neue Zeitung"

An American newspaper for the German people.

4th Year/ No. 8

Thursday, 29 January 1948

Nuernberg, 21 March 1948

(Dr. Siemers)

Excerpt from

"Die Neue Zeitung"

An American newspaper for the German people.

4th Year/No. 8

Thursday, 29 January 1948

US- Government about Dismantling

Answer of the State Dep. to the House of Representatives.

General Clay declared before the Senate that further dismantling of German industrial facilities and its distribution to West-European States is likely to contribute to the acceleration of West-European economic recovery. If these factories would remain in Germany, it would actually take several more years before they could be put in production. The dismantling program has not caused any serious unrest among the German population. It may be that the communists will try by propaganda to make capital of dismantling. However there is no ground for serious apprehensions.

DOCUMENT BOOK VII^I SCHNITZLER
DOCUMENT No. 137

Weiss (Flick) Doc. No. 1190

I, Dr. Walter S i e n e r s, Attorney at Law in
Hamburg, at present Defense Counsel with the American
Military Tribunal Nuernberg, herewith certify that the attached
copy conforms word by word to the article

"Threatened Dismantling Endangers Whole Economy"
in the "Neue Zeitung", of 18 July 1947.
Nuernberg, 2 January 1948

(Dr. Sieners)

Excerpt from:

"Die Neue Zeitung", issue of 17 July 1947:
"Threatened Dismantling Endangers Entire Economy"

NZ Munich, 17 July

Complete dismantling threatens the roller bearing works KUGEL-FISCHER in Schwäinfurt. It may be described as a key factory because it turns out 40% of the German roller bearing production, which today amounts to about 20 millions of ball bearings. In a press conference at the Bavarian Ministry of Economics all forces were mobilized to prevent, at the last moment, a complete dismantling. It is not difficult to conclude what the lack of almost half of the German ball bearing production would mean to mining, agriculture and transportation. The generally demanded increase of Ruhr coal production, considered as indispensable, and the plan to step up agricultural output, for instance, are faced with the greatest difficulties if mines, agricultural machines and mills are without ball bearings. The present roller bearing production is distributed as follows: mining: 30%, transportation: 30%, agriculture: 12%, electric power: 12%, general machine production: 16%. Minister-President Dr. Hans EHLARD intervened in this matter with the Director of Military Government in Bavaria, General Walter J. MUELLER, while the Bavarian

- 2 -

representatives of the Economic Council appealed in a telegram
to the Bipartite Board Frankfurt.

Weiss (Flick) Doc. No. 1191

I, Dr. Walter S i e n e r s, Attorney at Law in
Hamburg, at present Defense Counsel with the American Military
Tribunal in Nuernberg, herewith certify that the attached
copy conforms word by word to the article:

"Cessation of dismantling demanded".

- Serious debate on economics in the Bavarian Plot-
in the

"Sueddeutsche Zeitung"

Muenchener Nachrichten aus Politik, Kultur, Wirtschaft und Sport

3rd Year

19 July 1947

No. 62

Nuernberg, 2 January 1948

(Dr. Sieners)

Excerpt from

"Sueddeutsche Zeitung" (South-German Newspaper)

Munich News for Politics, Culture, Economics and Sports

3rd year of issue

19 July 1947

Number 62

"Cessation of Dismantlings Demanded"

Serious Economic Debate in the Bavarian Landtag (House of
Representatives)

Munich (SZ) - The main topic of the Bavarian Landtag's deliberations during the past week concerned the final dismantling of the KUGEL-FISCHER-WERKE in Schweinfurt, a blow against German peace production, in respect to which it was emphasized in the Landtag that it would result in complete impoverishment, which could not be desired by the victorious powers either (Representative Hagon, SPD) (Socialist Party of Germany); the dismantling of this ball bearing factory, the oldest in Germany, would also lead to the destruction of a great social institution, viz, the old age insurance with capital investments of 29 millions of Marks, which are invested in the company. Representative Dr. DEHLER (FDP - Free Democratic Party) underscored the fact that the ball bearing production was a part of the skeleton of German industry, which if pulled away, would bring about the collapse of everything. The deliberations were carried on in a spirit of serious anxiety and were based on urgent motion of the SPD, which was joined by the CSU (Christian Social Union) and FDP parties. The motion was carried unanimously. It requests the State Government to immediately approach the Control Council in order to have the final dismantlings of KUGEL-FISCHER suspended, and also to urge the appointment of a commission of economists and engineers charged with the task of determining the consequences of dismantlings on German industry.

President

- 2 -

HORLACHER characterized this resolution as one of the most important ever passed by the Landtag; his request for permission to ask by telegram the Economic Council in Frankfurt for support against the dismantling of one of the most important key industries was approved by the House of Representatives.

Weiss (Flick) Doc. No. 1194

I, Dr. Walter S i e n e r s, Attorney at Law in Hamburg,
at present Defense Counsel with the American Military
Tribunal in Nuernberg, herewith certify that attached copy
conforms word by word to the article:

"Prototyp²Machines"

in

"Wirtschafts Zeitung"

▲ weekly newspaper

Year 2/ No. 28

Stuttgart 11 July 1947

Nuernberg, 4 January 1948

(Dr. Sieners)

Excerpt from:

"Wirtschafts Zeitung"

a Weekly Paper

32nd Year/ No. 28

Stuttgart/ 11 July 1947

Prototype-Machines

It is common knowledge, gained from many experiences, that the dismantling of German factory equipment for reparation purposes is also carried out from the point of view of strengthening the ability of foreign firms to compete on the export market by removing modern machinery which has been developed in Germany to a particularly high degree of efficiency. In the last number ("Wirtschafts Zeitung" No. 27) the production of combs in the British Zone was given by us as an illustration of how the policies on reparations are mixed up with the competition in the export trade. This case, which may well do for all the others, concerns the "Prototype-Machines" which are intended to be removed from Germany to further the technical progress of the same industry in Great Britain. To trace such prototype-machines in the British Zone, to seize them and to play them into the hands of British firms of the same industry seems to be one of the principal tasks of British "M"-Force units, the appearance of which in a German enterprise is regularly a source of apprehension. The systematic hunt for such special machines and certain manufacturing processes, which were in the main responsible for the efficiency of German industry, is evidently the outcome of an agreement concluded between the British and the Americans soon after the war. As result the London Ministry of Commerce sent numerous committees to Germany which were, firstly, charged with making investigations and submitting reports on industrial planning,

- 2 -

factories, patents and manufacturing processes and, secondly, discovering special equipment and to cause their removal from Germany, particularly equipments used in research and development work, prototype-machines and examples of new production methods. These investigation committees, as we were able to learn from information reaching us from England were intentionally composed in such a manner as to include representatives of such English firms that had, as receivers, an immediate interest in hunting down such new machinery. In a statement, which may be looked upon as some sort of justification, issued by the German Affairs Office of Lord PAKENHAM, the following is expressed in this respect: "It is therefore only natural that in many instances the firms best qualified to receive and develop the prototype-machines were also the ones to put a responsible representation at the disposal of the investigation committee." It now appears that criticism of this manner of procedure is making itself felt even in England. And if we have been informed correctly it is now intended, in agreement with the Americans, to close this chapter of "investigation" German industry. However, the question now comes up as to how many prototype-machines were removed on the basis of former investigations and how much damage will be done to German export possibilities.

Initial: J.T.

DOCUMENT BOOK VII SCENITZLER

DOCUMENT N . 140

Weiss (Fick) Doc. No. 1186

I, Dr. Walter S i e n e r s, attorney in Hamburg,
at present defense counsel before the American Military
Tribunal in Nuernberg, certify herewith that the attached
copy corresponds verbatim with the article

"Again: Off to Russia"

in the newspaper

"Rhein-Echo"

2nd year, No. 43, Saturday, 31 May 1947

Nuernberg, 2 January 1948

(Dr. Sieners)

Excerpt from:

"Rhein-Echo"

The People's Paper on the Lower Rhine

Second year of issue, No. 43, Saturday, 31 May 1947

"Against Off to Russia"*)

t. Frankfurt (Oder), in May. According to information received by us, during the month of March 1947 the following cargoes were routed via Frankfurt (Oder) and Kuestrin to Russia:

4 trains	168 cars	ties
1 "	28 cars	rails
202 "	10034 "	industrial stocks
18 "	921 "	sugar
1 "	52 "	wheat
4 "	203 "	flour
2 "	93 "	automobiles
13 "	509 "	potish
2 "	56 "	vehicles
2 "	84 "	gasoline
1 "	32 "	literature
4 "	164 "	machines
1 "	22 "	gas cookers
1 "	50 "	cargo No. 16, special machines
1 "	42 "	cement
1 "	58 "	textiles
1 "	52 "	fuel
1 "	44 "	potato flakes

*) Compare with the article "February Export", in "Rhein Echo", No. 37, 10 May 1947.

Weiss (Flick) Doc. No. 1189

I, Dr. Walter S i o n e r s, attorney in Hamburg,
at present defense counsel before the American Military
Tribunal in Nuernberg, certify herewith that the attached
copy corresponds verbatim with the article

"Further Dismantling"

in

"Nuernberger Nachrichten"

General Newspaper for Northern Bavaria

13 Aug. 1947

3rd Year; No. 64

Nuernberg, 2 January 1948

(Dr. Siomers)

Excerpt from:

"Nuernberger Nachrichten"

General Newspaper for Northern Bavaria

13 August 1947

3rd Year of issue

No. 64

Further Dismantlings (DEMA) - Dismantling of the
Grosskraftwerk (Power Plant) at Mannheim is continuing.
All machines which are not needed any more to carry out the
dismantling have been sent to France, according to a report
issued in June by the Ministry of Economics of Wuerttemberg-
Baden. Dismantling operations continue to take place at the
following companies: Indox-Werke, Esslingen; Gustav
GENSCHOW u. Co. A.G., Wolfartsweiler; and Industriewerke
Karlsruhe, Zweigstelle (branch) Grötzingen.

Weiss (Flick) Doc. No. 1183

I, Dr. Walter S i e n e r s, Attorney in Hamburg,
at present Defense Counsel before the American
Military Tribunal in Nuernberg, certify herewith that the
attached copy corresponds verbatim with the article

"Again Rail Disruptions"

in

"Nuernberger Nachrichten"

General Newspaper for Northern Bavaria

13 August 1947

3rd Year

No. 64

Nuernberg, 2 January 1948

(Dr. Sieners)

Excerpt from:

"Nurnberger Nachrichten"

13 August 1947

3rd Year of issue No. 64

General Newspaper for Northern Bavaria

Again Rail Dismantlings.

Berlin, 11 August (DENA) - According to a report published by the "Kurier", dismantling of railway lines designated for shipment from the Soviet Zone has commenced. Concerned for the time being are so-called "Stichbahnen" (branch-lines without second connexion), which serve the agricultural freight traffic. As the Berlin paper continues to state, the dismantlings were started in Mecklenburg on the lines: Schoenberg-Poodnitz, Malchin-Dargun and Ganzlin-Roebel.

DOCUMENT BOOK VIII SCHNITZLER
DOCUMENT N_o. 143

Weiss (Flick) Doc. No. 1187

I, Dr. Walter S i o n e r s, attorney in Hamburg,
certify herewith that the attached excerpt agrees verbatim
with the original in the

"Gefangnis-Zeitung" (Prison Newspaper)

which is published for the internees of the Court
Prison in Nuernberg, by order and under the control of the
director of the Prison Office. The excerpt is taken from the
Thursday, 7 August 1947 issue.

Nuernberg, 2 January 1948

(Dr. Siomers)

Excerpt from:

Issue 10. A. Z. (From Newspapers)

Thursday, 7 August.

SOVIET DISMANTLINGS

Party Headquarters of the SPD (Socialist Party of Germany) in Hannover published a report according to which the Soviets have resumed to a considerable extent in their zone the dismantling of industrial plants and of mining installations. This action is in full swing, although the Soviet Military Administration has already some time ago pointed out for the third time that dismantlings for reparation purposes had definitely been concluded. The list of dismantled factories, published by the SPD (Socialist Party of Germany), mentions amongst others chemical works, sugar refineries, flour mills, saw mills, electric power plants and mines.

DOCUMENT BOOK 8 SCHNITZLER

Doc. No. 144

Weiss (Flick) Doc. No. 1192

I, Dr. Walter SIEMERS, attorney-at-law in Hamburg, at the present time defense attorney at the American Military Tribunal, Nuernberg, herewith certify that the attached copy is a true copy of the article:

"How Reparation Goods from the U.S. Lost"

which appeared in: "Die Welt" (The World), a Non-Partisan Newspaper for the British Zone, No. 56, of 13 June 1947.

Nuernberg, 2 January 1948.

(Signature) (Dr. Siemers)

"Die Welt"

Impartial newspaper for the British Zone

No. 56 - 13 June 1947:

"New reparation goods from the US-Zone"

4266 machines, tools and other parts from plants of the former German war industry will be shipped to countries which are listed to receive reparation goods and which need these goods for the reconstruction of their peace-time industry. This is provided for in the third distribution plan of machines earmarked for reparation purposes from the German armament plants in the American Zone of occupation.

The western states will receive a total of 3378 items with a value of 11 million RM and the Soviet Union will receive 888 machines valued 2,08 million RM.

Following is a list of countries which up till now have received reparation goods from the American Zone of Germany:

Australia, Belgium, Czechoslovakia, Denmark, France, Greece, India, Luxembourg, Holland, New-Zealand, Norway, Great-Britain, United States, the Soviet-Union and Poland.

Among the five plants which were allotted to the western powers, the factories in Wolfratshausen (Bavaria) and Kaufering (Bavaria) are presently engaged in the reconversion of German artillery ammunition into fertilizer and scrap iron. The installations of these plants will be delivered as soon as this program is completed.

The army ordnance plant in St. Georgen in Bavaria is presently engaged in the neutralization of poisonous German artillery ammunition. This plant too, will be dismantled only after the work program has been completed.

The installations of that part of the Kloeckner-Humboldt-Deutz-Werke in Ulm which were used for the production of gun-carriages and one-man submarines and, in addition to that, the W. & W. Schenk-Leichtgusswerke in Maulbronn (Wuerttemberg) which turned out aluminum and brass parts for airplanes, are scheduled for delivery.

The Soviet Union was allotted plants for airplane parts and precision machinery which are the Noris Zuendlicht A.G., the Pross-, Stanz- und Ziehwerk, both in Nuernberg and the Mikrowerke in Aschaffenburg.

The destruction of the buildings at the Henschel-Flugmotorenwerke (airplane engine plant) in Kassel-Altenbaum which were used for aeronautic experimental purposes, was completed on 5 May.

On 23 April Norway received the first reparation delivery in the form of 60 tons of equipment from the Bayrischen Motorenwerke in Munich. The first shipment of general equipment from the Ebenhausen plant in Bavaria which turned out explosives, was dispatched to Denmark on 6 May.

The first shipment from the Henschel-Flugmotorenwerk in Holtzhausen in Hesse was dispatched to Poland on 21 April. The final shipment from the Mollis Metallwerken - Reparation Plant No. 121 - in Reichenbach-Aalen in Wuerttemberg went to the Soviet Union on 30 April. It consisted of 241 tons of equipment.

DOCUMENT BOOK 8 SCHITZLER

Doc. No. 145
Weiss Flick Doc. No. 1199

I, Dr. Walter Siemers, Attorney-at-Law in Hamburg, at present
Defense Counsel at the American Military Tribunal, Nuernberg, do now with
certify that the enclosed copy is a true copy of the article:

"Reparations in the future will only be taken from Armament plants".
in the "Neue Zeitung" 3rd year, No. 53 of 8 August 1947, page 6.
Nuernberg, 3 January 1948.

signature: Dr. Siemers

(Dr. Siemers)

Excerpt from:

"Die Neue Zeitung", Third Year, No. 63, page 6,
dated 8 August 1947;

"Reparations in the future will only be taken from armament plants".

Berlin (DENA).-

The economic department of the American Military Government for Germany announces that, until a final decision has been made concerning the future German industrial capacity or the economic fusion of the occupation zones, reparations can only be taken from those plants which are to be regarded as strictly armament plants. Installations which could serve for the reconstruction of the peacetime economy will no longer be distributed until further notice.

I, Dr. Walter Siemers, Attorney in Hamburg, at present
Defense Counsel before the American Military Tribunal in Nuern-
berg, herewith certify that the enclosed document:

"The Complete List of Dismantlings"

is a true photostatic copy of page 7 from

"Die Neue Zeitung"

An American newspaper for the German population.

Date: 20 October 1947.
No. 84

Nuernberg 23 March 1948.

signed: Dr. Siemers.

LIST OF DISMANTLING

20 October 1947.

Page 7

" DIE NEUE ZEITUNG".

The Complete Dismantling List.

On this page we reproduce the complete list of the plants to be dismantled in the two zones. The list is tabulated according to Lands and, within the lands, according to branches of industry. An asterisk (*) after the name of a factory indicates that that factory was already included in a previous dismantling list. In the majority of cases the dismantling of these plants is already in progress or has even already been completed. A "T" after the name of a factory indicates that only a part of the plant will be dismantled. The installations of these plants that are scheduled for dismantling are quoted in brackets. The list has been compiled from the best available sources. It is not, however, official and no guaranty can be assumed.

BRITISH ZONE.

North Rhine - Westphalia.

Armament Plants.

Aerostahl, G.m.b.H., Eichscheid *
C. Albert, G.m.b.H., uppertal T (Aeroplane parts).
Alfred Berning, Maschinenbau A.G., Schwelm *
Arntzen Leichterbau, Brackwede *
Baronia Fahrzeugbarik Heldemann & Co., Kachtenhausen *T
Aeroplane motors - Testing appliances).
Bergisch-Maerisches Eisenwerk (Franz Metzger Werk No.3), Velbert*
Bayer and Klopheus, Schwelm * T (Aeroplane parts).
Bismarckwerke A.G., Wuppertal-Konsdorf *
Bochumer Verein Gusstahlfabrikation A.G., Langendreer *
Geschossfabrik Bochum *
(Edwin Lranz-Werke), Buende T (Equipment for manufacture of munitions).
(Jollenbeckwerke), Jollenbeck T (Ammunition cases.)
Dr. Ing. Boehme, Minden T (Ball bearings).
Boucke G.m.b.H., Wipperfuorath *
Dortmund-Hoerde-Huottenverein A.G., Asphaltwerke Nr.1
und Nr. 2, Dortmund.
Dortmund Luerkopp-Maschinenbau G.m.b.H., Kuensebeck bei Bielefeld.
Lynamit A.G., Hoerde.
Eisenwerke Weserhuetten A.G., Bad Oeynhausent T (Combat vehicles and
anti-aircraft guns).
Eisenwerke Weserhuetten, Weserstollen *
Esperawerke A.G., Wanne-Bickel.
Esenlaub-Flugzeugbau, Wuppertal-Langefeld *
Fritz Husmann K.G., Guetersloh *
Grassmann K.G., Biolstein *
Heindrich und Luffermann A.G., Werk 1, Wuppertal
(Bomb cases and armor plates for aeroplanes)
Honsel Werke A.G., Meschede.

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 2 -

Huettenwerke Siegerland A.G., Charlottenhuette, Niederacheldan T
(Blast furnace for pig iron)
Kagel Betrieb, Lengerich *
Kieserling and Albrecht, Werk 2, Solingen-Ohligs.
Kloekner Werke, Werk Troisdorf T (Blast furnace plant for
production of pig iron and cold rolling mill)
Krupp-Gusstahlfabrik, Teilfabrik fuer die Waffenherstellung,
Essen T, (Weapons).
Lippstaedter Eisen- und Metallwerke G.m.b.H., Nord- und Suedwerk
Lippstadt.
Ludwig Hansen und Co., Muenster *
Poschke Flugzeug-Werkstaetten G.m.b.H., Minden *
Rheinmetall-Borsig, Luesseldorf-Derendorf
Rinker Waerkerwerke Minden *
Ruhrmetallwarenfabrik G.m.b.H., Neheim-Huerten.
Ruhrstahl A.G., Witten T (Aeroplane parts)
Toenstoff G.m.b.H., Jorn.*
Union Robert Temme und Co., Werl-Muenster *.
Veltrup Werke A.G.,
"Werk Muenster" Barkhausen (Kreis Minden.)
Veltrup Werke, Aachen.
Vereinigte deutsche Nickelwerke A.G., Schwerte *
Wittener Maschinenbaugesellschaft, Witten *.

Larger Steel Plants.

Bochumer Verein fuer Gusstahlfabrikation A.G., Gusstahlwerk Bochum T
(Equipment for steel production and part of the forging shops).
Deutsche Edelstahlwerke A.G.,
Reinholdhuette, Krefeld-Linn
Krefeld
Willich
Abt. Tiegelstahl G.m.b.H., Bochum.
Harkort-Eicken-Edelstahlwerke G.m.b.H., Wetter
Kloekner-Werke A.G., Werk Luesseldorf
Fried. Krupp Gusstahlfabrik, Essen T (Department for steel products).
Fried. Krupp-Borbeck-Werke, Essen-Lellwig *.
Mannesmann-Roehrenwerke, Abteilung Grillo-Funke, Gelsenkirchen-Schalk o T
(Steel plant).
Rheinmetall-Borsig A.G., Duesseldorf-Kath.
Ruhrstahl A.G.
Henrichshuette, Hattingen T (Blast furnaces, steel and
rolling mills)
Annener Gusstahlwerk, Witten-Annen.
August Thyssen Huette, A.G., Huette Bruckhausen,
Luisburg-Hamborn, (Blast furnaces, steel and rolling mills).
August Thyssen Huette, Niederrheinische Huette, Luisburg-Hochfeld T
(Steel plant).

Electric Arc Furnaces:

Bergische Stahl-Industrie, Remscheid T (Steel foundry No. 2 with three
arc furnaces).
Gehr. Boehler und Co., A.G., Edelstahlwerk Luesseldorf,
in Luesseldorf-Oberkassel T (Electric smelting furnaces)

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 3 -

- Dortmund-Hoerde-Huettenverein A.G., Hoerde-werk in Dortmund-Hoerde, T
(Four electric smelting furnaces and a factory for steel bars).
- Geisweider Eisenwerke, Geisweid T (Electric smelting furnace)
- Hoesch A.G., Dortmund T (Two electric smelting furnaces,
wire factory, part of the forging workshops).
- Kloockner Werke A.G., Haspe-Werke, Hagen T (Electric smelting
furnace).
- Mannesmann-Roehrenwerke Heinrich Bierweshuette, Luisburg-Huckingen T
(Two electric smelting furnaces, a plate factory and part of
the plant for the manufacture of large welded tubes).
- Bergisch-Maerkisches Eisenwerk Franz Metzger Nr. 1, Velberg T
(Installations for steel production).
- Joachim Baumgart, Stahl- und Tempergiesserei, Tonisheide T (Electric
smelting furnaces).
- Ed. Breiterbach G.m.b.H., Weidenau T (Electric smelting furnaces).
- Deutsche Eisenwerke A.G.
(Schalker Verein) Gelsonkirchen T (Installations for steel
production and department for hoists and cranes).
- Friedrich Wilhelm Huette in Hueslheim (Ruhr) T
(three electric smelting furnaces).
- Deutsche Eisenwerke, Werk Hilden in Hilden T (Installations for
steel production).
- Eisenwerk Milspe, Dr. Egg Karl Weicken, Milspe T,
(Installations for steel production and foundry).
- Eisenwerk Hanheim, G.m.b.H., Luisburg-Hanheim T (Installation for
steel production).
- Elektrostahlwerk Wald G.m.b.H., Solingen-Wald.
- August Engels G.m.b.H., Velbert T (Installations for steel
production and foundry).
- Gontermann Peipers A.G., Marienborn Abteilung Siegen und Hain T
(Steel production and steel foundry).
- Gusstahlwerke Wittmann A.G., Hagen-Haspe T (Electric smelting
furnaces).

Metal Industry:

- Koch-Adler-Maschinen-Werke A.G., Bioloefeld T
(Installations for steel production and steel foundry).
- Hermann Irle G.m.b.H., Leuz T (Steel production equipment).
- Stahlwerke Mark Wengern A.G., Wengern.
- Andernach und Bleck, Hagen - Halden.
- Bandisenwalzwerk A.G., Dinslaken *.
- W. Bauermann und Soehne, Hilden T (22 gas welding machines
for precision tubes).
- Wilhelm Berg, Altena T (Electric welding machine for precision tubes).
- Bochumer Verein fuer Gusstahlfabrikation, Hoentrop-Werke, Bochum-
Hoentrop T (Tire press and rolling mill).
- Bochumer Verein (Stahlindustrie werk Bochum) T (Hammer Forge).
- Bremshy und Co., Schlinren-Ohligs T (Electric welding machines
for precision tubes).
- Deutsche Bohrenwerke A.G.,
Werk Hilden
(Poensgenwerke, Lierenfeld T (part of the department for tube
manufacture.)

LIST OF DISMANTLING

(Page 1 of original, cont'd)

- 4 -

Thyssenwerke Muehlheim T (2 plate factories, part of the tube-turning department, one tube factory, two rolling mills and Erhardt presses and also part of department for large welded tubes).

Dortmund-Boerde-Huottenverein, Dortmunder Werk T (Forging shops).

Einseler Walzwerke, Einsel.

Eisenwerkrote Erde G.m.b.H., Dortmund.

Gutehoffnungshuette Oberhausen A.G., Oberhausen T (Plate factory and accessories).

Robert Hermes G.m.b.H., Solingen T (Electric welding machine for precision tubes).

Hiltrupper Röhrenwerk G.m.b.H., Hiltrup T (Electric welding head).

Hoesch A.G., Hohenlimburg T (Machine for light drawn tubes).

Lraht- und Federwerk Wilhelm vom Hofe, Altena.

Kaltwalzwerk Plottenberg, Brockhaus und Soehne, Plottenberg.

Kortenbach und Rauh, Solingen-Meyer T (Electric welding machine for precision tubes).

"Kronprinz" A.G. fuer Metallindustrie, Hilden.

"Kronprinz" A.G., Immigrath T (Department for hot-rolled tubes and plant for seamless tubes).

P.W. Lenzen, Hohenlimburg.

Mannesmann Röhrenwerke, Abteilung Rath, Luesseldorf-Rath T (part of the tube plant). Abteilung Witten, Witten.

Eisen- und Stahlindustrie Friedrich Moyer, Dinslaken.

Press- und Walzwerke, Luesseldorf-Koisholz T (Factory for Swedish tubes, department for welded precision tubes and part of the department for large welded tubes).

Zieh- und Stanzwerke Koische und Co., Lage T (Electric welding machine for precision tubes).

Rohr- und Walzwerk Fr. Uebemann, Pullheim

Schmidtag A.G., (Gruenthal-Werke), Hagen T (Department for the manufacture of heavy bomb cases).

Siepmann-Werke A.G., Bolock, T (Part of the hammer forge).

Union Robert Tomme und Co., Froendenberg T (Electric welding machine for precision tubes).

Walz- und Röhrenwerke G.m.b.H., Haan.

Westfaelische Drahtindustrie, Hamm.

Wickede Eisen- und Stahlwerke G.m.b.H., Wickede T (Manufacture of cold rolled strips).

Wurag-Rohr G.m.b.H., Wickede.

Zieh- und Presswerk Karl Froh, Wachen.

Non-ferrous metals:

Honsel-Werke A.G., Meschede.

Ed. Hueck, Elspe T (Production of sheet iron, band iron, bar iron and wire).

R. Rautenbach, Solingen.

Westfaelische Kupfer- und Messingwerke, Luedenscheid.

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 5 -

Chemical Industry.

-
- A.G. fuer Stickstoffduenger, Knapsack T (Department for manufacture of activated charcoal and part of the department for the manufacture of acetone.)
 - Blumberg und Co, Linforst
 - Dynamit A.G., Troisdorf T (Department for the distillation of glycerine and part of the department for the manufacture of explosives).
 - Schlebusch T (Department for Nitropents and vulcan-fibers and part of the department for Phenoplast and celluloid).
 - Henkel und Cie., G.m.b.H., Duesseldorf T ((Parts of the departments for soap powder and distillation of glycerine.)
 - I.G. Farbenindustrie A.G., Lormagen, Elberfeld, Holten, Leverkusen, Urdingen * und Zweckel T (Departments for Perlou U, cellulose derivatives and mixed resins, departments for Sulfigran, stobrina, polyamide, and mixed resins, hydraid-hydrate and also electrolytic chloride and caustic Soda, parts of the departments for activated charcoal, the nitration of toluene and alkydal resins).
 - I.G. Sauerstoffwerk, Duisburg.
 - Kabelwerk Duisburg, Abteilung Zunderfabrik Muehlheim.
 - Oxo- Gesellschaft m.b.H., Oberhausen.
 - Pyrotechnische Fabrik Hans Moog, Luppertal *
 - Pyrotechnisches Laboratorium W. Norros, Lorsten.
 - V.D.M. Halbzeugwerke.
 - Sprengkapselwerk Leverkusen *.
 - Vereinigte Zunder- und Kabelwerke, Lago-Lippe.
 - Ferd. Wecke, Nachfolger, Luppertal.

Machinery Industry:

-
- Maschinenbau Achenbach und Soehne, Buschhuetten T (Equipment for the manufacture of metallurgical apparatus).
 - Achenbach und Soehne, Plotzenberg-Ohle.
 - W. Arendt, Maschinenfabrik, Koeln-Niehl.
 - Aufzugbau Losenhauschwerk, Duesseldorf-Heerdt.
 - Autogenwerk Strius, Duesseldorf.
 - Viktor Bauer, Maschinenfabrik, Troisdorf bei Koeln.
 - Baummaschinenfabrik Buenger A.G., Duesseldorf.
 - Gebr. Becker G.m.b.H., Luppertal-Wicklinghausen.
 - Gebr. Bender, Ferndorf.
 - E. Bemmingheven, Hilden.
 - Bergtechnik G.m.b.H., Luenen.
 - Franz Berrenberg, Haan.
 - Bernhard Breuner, Bockum
 - August Bilstein, Altenvoerde T (Equipment for the preparation of house and road-building materials).
 - Bischofwerke K.G., Wicklinghausen T (Equipment for the production of lead leads and cables).
 - Hermann Boecher, Maschinenfabrik, Koeln-Kalk.
 - Boucke & Co., Halver.
 - Joseph Brand, Duisburg-Hamborn.
 - A. Budich, Gladbeck.

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 6 -

Arnold Buerstinghaus, Engelskirchen.
 J. Christen, Dortmund-Hoerde.
 Chronos-Werk Meuthen & Reiser K.G., Hemf-Sieg.
 Demag A.G., Wetter-Ruhr T (Installation for the production of lifts,
 hoists and cranes).
 Demag A.G., Luisburg T (part of the installation for the manufacture
 of foundry equipment and machines for gas and water works).
 Demag G.m.b.H., Duesseldorf-Benrath.
 Deutsche Habzeugfabrik, Puetzler de Fries K.G., Duesseldorf.
 Deutsche Spiralbohrer- und Werkzeugfabrik G.m.b.H., Vieringhausen.
 Loorken A.G., Gevelsberg.
 Dorstener Eisengiesserei und Maschinenfabrik Hervost, Dorsten.
 Dortmunder Union Brueckenbau "Orange", Gelsenkirchen T
 (Installation for the production of steam boilers, tanks,
 and overland conduits).
 F. Duorholdt, Luppertal-Barmen.
 A. Eger, Maschinenfabrik, Wurl.
 Fichelberg Co., G.m.b.H., Iserlohn.
 Eisenwerk Hugo Brauns, Dortmund.
 Eisenwerke Wesserschuetze, Bad Oeynhausen T (Equipment for the
 construction of overland conduits, and edies, excavators).
 Eisen- und Metallwerke, Ergste.
 Erboe Maschinenbau (Erley und Booninger), Hasslinghausen.
 Gebr. Fuchs, Kaan.
 Geierwerke (Upmeyer), Lengerich T (Equipment for stone quarries and
 mines).
 F. Goldbach, Gelsenkirchen.
 Gortges & Co., Homberg, T (Installation for the manufacture of
 cranes).
 Gewerkschaft Eisenhuetten Westphalia Luenen, Wethmar T (Part of
 installation for the production of overland conduits.)
 H. Gimbel und Co., Buschhuetten, Krs. Siegen.
 Leo Gottwald, K.G. Duesseldorf.
 Theo Graebner, Siegen.
 H. Grasse, Rheme-Minden.
 H.&G. Grossmann, Dortmund.
 J.P. Grueber, Hagen.
 H. Grunewald, Hilchenbach.
 Gutehoffnungshuetten A.G., (Hantel & Luog), Duesseldorf-Graffenberg*
 Gutehoffnungshuetten Oberhausen A.G., Oberhausen-Storkrade T
 (Part of the installations for the manufacture of equipment
 for foundries and with the factories for the production of
 steam boilers, tanks and pipe-lines.)
 Hdlbach Braun Co., Luppertal.
 Karl Hamacher, Wattencheidt.
 Hammelrath & Schwenzler, Duesseldorf.
 Hugo Hammelsbeck, Rodenkirchen.
 Hasenkloewer A.G., Maschinenfabrik, Duesseldorf.
 P.W. Heider & Co., Weidenau-Sieg.
 Heinrichsglueck, (K.u.M.Both), Salchendorf.
 Karl Held, Luisburg-Hamborn.
 H. Herring & Sohn, (Hosorwerk), Milps.
 Ernst Hese, Herten.

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 7 -

Hettner, Bohrmaschinenfabrik, Muenstereifel.
 A. & W. Heuts, Schwelm.
 Huelsbeck & Karst, Volpert.
 Huenecke, Deutsche Geratobau K.G., Salzkotten.
 J. Indapp, Volpert, Warstein.
 E. Isphording, Attendorn.
 Kehren & Hollweg, Hemmef-Sieg.
 Kesselschmiede Amort, Kean-Marionborn.
 H. Klaessner, Gladbach.
 Klein & Soehne, G.m.b.H., Kamen.
 Klockner, Humboldt Deutz.
 Isselburg T (Installation for the manufacture of combustion
 motors, lifts and hoists).
 Koeln-Deutz T (Installation for the manufacture of combustion
 motors and equipment for quarries and mines.)
 Koeln-Kalk T (Installation for the manufacture of combustion
 motors and equipment for quarries and mines).
 W. Knapp, Wanne-Sickel.
 Ludwig Koch, Siegen.
 Koelsche-Foelzer werke, Siegen T (Installation for manufacture
 of foundry equipment, steam boilers, tanks and pipe-lines).
 Koenig & Co., Netphen.
 Joseph Koenig, Gelsenkirchen-Buer, T (Plant for the production
 of machines for house and road construction).
 Koever & Lersch, Krefeld.
 Koester, Hagen.
 Otto Koetter, Wuppertal-Barmen.
 Krumm & Co., Remscheid-Luettringhausen.
 W. Langbein, Bochum.
 Lauf, Bungert & Wimmer, K.G., Muehlheim/Ruhr. T
 (Plant for the production of lifts, cranes, loading booms,
 loading bridges).
 Gustav Lennartz, Remscheid-Hasten.
 Albert Lob, Maschinen- und Apparatebau, Duesseldorf.
 Gebr. Loedige, Paderborn.
 Losenhausenwerk, Duesseldorfer Maschinenbau A.G., Duesseldorf-
 Grafenberg T (Plant for the manufacture of leads and cables,
 machines for house and road construction, weighbridges.)
 Luhn & Pulvermacher, Harau-Haspe.
 Mark, Brennkraftmaschinen, Wengern/Ruhr T (Plant for the
 manufacture of machines for road and house construction.)
 Elfried Mengel, Solingen-Merscheid.
 Messerfabrik Reinshagen, Remscheid.
 Muehleisen G.m.b.H., Wuppertal-Sonnborn.
 Munk & Schmitz A.G., Koeln-Poll.
 Pellentz & Co., Welter Hebezeug, Koeln - Ehrenfeld.
 P.Ploiger, Maschinenfabrik, Hammertal-Nord ueb. Hattingen.
 Pollrich & Co., Duesseldorf.
 Paul Pollrich & Co., Muenchen-Gladbach
 Rocking & Hoffmann, Elberfeld.
 Reinery Hagen, Kassel.
 Rheinische Walzmaschinenfabrik, Koeln-Ehrenfeld.
 Rheinisches Kleineisenwerk A., Ruhfus, Nouss.
 Joseph Riester, Bochum-Lindon.
 Rittinghaus Soehne, Vosswinkel *

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 8 -

Gebr. Rodenkirchen, Rodenkirchen
 Roetholmann & Co., K.G., Werdohl.
 Roehren- und Schweisswerke vorm. G. Kunze Horne.
 Ruhrstahl A.G., Witten/Ruhr, T (Plant for the production
 of hydraulic pumps and turbines).
 B. Ruthemeyer, Soest.
 Sack & Kieselbach, Luesseldorf.
 Albert Schofer, Becklinghausen.
 Scharmann & Co., Rheydt.
 Schenk & Liebe-Harkort, Luesseldorf.
 Schiess-Lefrios A.G., Luesseldorf, Werk Iorick, Werk II Koelner
 Strasse, Werk III Rheisholz, Werk IV Heerdt, Werk V Oberkassel.
 Schlieffenbaum & Steinmetz, Weidenau-Siegen.
 P. Schmidt, Medebach.
 Schmitz & Steffon, Hagen.
 Schmitz & Appol, Huppertal-Langerfeld.
 A.O. Shulte K.G., Plottenberg.
 H. Seelbach & Co., Lahlbruch.
 F. Seiffert & Co., Bochum.
 Siebeck Metallwerke G.m.b.H., Rattigen.
 W. Siebel, Blechwarenfabrik, Freudenberg.
 Siegtaler Eisen- und Blechwarenfabrik, Eisfeld/Sieg.
 Slawinski & Co., Weidenau-Sieg.
 H. Spolleken K.G., Maschinenfabrik, Huppertal-Oberbarmon.
 Stahlwerke Bruninghaus, Werdohl.
 Steinmann & Co., Hagen.
 Ludwig Steinmetz A.G., Romscheid.
 Wilhelm Stolle K.G., Bad Godesberg.
 Joseph Strack, Oberlar bei Treisdorf.
 Stratenwerth G.m.b.H., Maschinenfabrik, Duisburg.
 J. D. Thei o, Schwerte.
 Th. Tielemann, Gevelsberg.
 Toussaint & Hess, Luesseldorf.
 V.D.M. Motorenwerke G.m.b.H., (Semi-finished products plant),
 Altona-Heuonengraben.
 Gebr. Vetter, Luesseldorf-Bonrath.
 Vogl & Schenmaun, Hagen-Kabel.
 Wagner & Co., Werkzeugmaschinenfabrik, Dortmund *
 Heinrich Wagner, Leasphe
 Waldrich Siegen *
 Weber-Lorke, Siegen.
 Wengeler & Kalthoff, Blankenstein/Ruhr.
 E. Wismann, Bochum.
 Rudolf Wilhelm, Essen-Altonessen.
 H. Wilhelmi, Hebezeugfabrik, Muehlheim/Ruhr T (Plant for the
 production of lifts).
 R. Wilmann, Dampfessel- u. Apparatebau, Dortmund.
 Hermann Wingerath, Ratingen.
 H. Wuestenberg jun. Balve.
 Zimmermann & Jansen G.m.b.H., Luren-Roellsdorf.

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 9 -

Lower Saxony

 Armament works:

Alfa-Werke, (Alfelder Maschinen- und Apparatebau), Alfeld/Leine.
 Behre und Brethen, Springe *
 Bessert, Nettlebeck & Mortons K.G., Hameln/Weser *
 T (Aeroplane parts).
 Brinker Eisenwerke G.m.b.H., Werke I, II, T (Projectiles and
 gun parts.), III Langenhagen *
 Bernhard Bruns, Bad Zwischenahn
 N. A. G. Buessing, Flugmotorenwerke G.m.b.H., Querum bei Braunschweig.
 Chemische Werke Harzweser, Langelsheim/Harz *
 Deutsche Edelstahlwerke A.G.,
 Hannover, Linden T (Crankshafts and tank parts).
 Holzen bei Eschenhausen, Kreis Holzminden.
 Deutsche Linoleum-Schlüsselwerke, Dolmenhorst * T (Aeroplane parts).
 Dynamit A.G.,
 Clausthal-Zellerfeld *
 Empelde/Hannover
 Eitron-Werke, Holzminden.
 Engelhardt und Foerster, Maschinenfabrik, Vorden * T (Aeroplane parts).
 Focke-Wulff Flugzeugbau (Frankenwerke) Hoykenkamp, Dolmenhorst *
 A. Frankenwerk A.G., Twistringen, Kreis Hoya.
 Franz Keminski, Hameln/Weser.
 Friedrich Christoffers, Dolmenhorst-Oldenburg *
 Friedrich Krupp, Stahlbau Langenhagen
 Fuellanlage (Heeresmunst), Claun, Krs. Peine *
 Gewerkschaft Beharrlichkeit, Bohnte Osnabrueck *
 Haendler & Natemann, Hannover-Luonden * T (Aeroplane parts)
 C.F. Hahnenberg, Looe-Weser.
 Haus Preiss G.m.b.H., Hameln/Weser *
 Heeresmunitionsanstalt
 Bodenteich Ulzen *
 Celle in Scheuen *
 Grasleben ueber Helmstedt *
 Heeresmunitionsanstalt Hanigon, Salzmine, Kreis Burgdorf *
 Heeresmunitionsanstalt Abt. Burbach A.G., Wittekind,
 Kalwerk, Volpreihausen.
 E. Heinkel A.G., Bad Gandersheim *
 Helmstedter Maschinenbau (Holmag) Helmstedt*
 Johann Floen Schierhorn Pensionshaus *
 Karges Hammer, Gifhorn Braunschweig
 Karl Ritscher Sproetze *
 Kriegsmarine Arsenal, Aurich, Tannenhausen
 Kurt Heber, Maschinen- und Apparatefabrik Osterode
 Lindener Eisen- & Stahlwerke G.m.b.H., Linden T (Projectiles and
 tank parts).
 Lonal-Werke G.m.b.H., Looe
 C. Lorenz A.G., Holzen bei Eschershausen Kreis Holzminden T
 (Electric war equipment).
 Luis Gaebler & Co., Peine-Hannover *
 Lufthauptmunitionsanstalt Kukuksberg
 Nienburg (Weser) *
 Hambuehren *

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 10 -

Luftmunitionsanstalt, Tram-Rickall bei Dannenberg *

Luther & Jordan,
Werk I und IV, Braunschweig *

Werk II, Bienrode, Braunschweig *

Werk III Waggung, Braunschweig

Maschinenfabrik Niedersachsen-Hannover (M.N.H. G.m.b.H.)
Werk II Laatzen
Linden
Ahlem-Hannover.

Mechanische Werkstaetten fuer Kunststoffbearbeitung, G.m.b.H.,
Lelmenhorst *

Metallwerke Odertal G.m.b.H., Odertal, Bad Lauterberg/Harz.

Metallwerke Wolfenbuettel G.m.b.H., Wolfenbuettel *

Metallwerke Silbermuette G.m.b.H., Werke I und II
St. Andreasberg/Harz *

Motorenwerke Verol, Verol

Munitionsanstalt Lengorn, Goettingen *

Oldenburger Leichtmetall, Oldenburg *

Pelte Werke, Duderstadt

Gebr. Rontrop A.G., Stadthagen (Schaumburg Lippe) *

Rheinmetall Borsig A.G., Untorbuss, Kreis Celle

Rochling und Buderus, Wetzlerwerke, Mohle, Kreis Alfold.

Scholter & Giesecke, A.G., Maria Gluck Salzmine, Hooyer bei Celle *

J. Schneider, Optische Werke, Goettingen-Liendo

Speerwaffenarsenal Lruhwald, Soltau *

Sprungstoff Fuellenlage, Dohlingen, Munsterlager *

Stahlwerke G.m.b.H., Watenstedt/Braunschweig T (Projectiles and
gun parts)

Teuto-Metallwerke G.m.b.H., Osnabrueck

Theodor Klatte, Weener (Emsland) *

Union Robert Temme & Co., Hameln *

Vereinigte Deutsche Metallwerke (Semi-finished products plant).
G.m.b.H., Hildesheim.

Vereinigte Leichtmetallwerke G.m.b.H., Linden T (Forged goods and aero-
plane parts - accessories.)

Vereinigte Metallwaren G.m.b.H., Hamel Woser T (Screws for Aeroplanes)

Waaren Commissions A.G., Dragahn, Dannenberg *

G.H. Walter Finger, Ulzen *

Weser Flugzeugbau, Lemwarden, Einswarden, Weser-Marsch Nordenham
(Oldenburg)

Weser Metallindustrie G.m.b.H., Lelmenhorst, Heyenkamp/Oldenburg
und Achim bei Bremen *

Wilhelm Bormann, Blechwarenfabrik Luestringen *
Osnabrueck * T (Aeroplane parts)

Wilhelm Schmidding, Linden T (Aeroplane and mine casings).

Wolff & Co., (Bibia) Bomlitz, Kreis Fallinghobel,
Barmen/Doerwerden und Liobonau/Biemburg *

Steel Industry:

Deutsche Edelstahlwerke A.G., Werk Hannover-Linden T (Equipment
for steel production and plate factory).

List OF DISMANTLING

(page 1 of original, cont'd)

- 11 -

Kleeckner Werke A.G., Werk Osnabrueck T (Electric smelting furnace and installation for the manufacture of armaments).
Reichswerke A.G. fuer Erzbergbau und Eisenhuetten, Huette Braunschweig, (Hermann Goeringwerke), Huette I bei Braunschweig T (ten blast furnaces, steel plant, rolling mill and foundry)
Bockhoff & Co., Eisengiesserei, Ofen- und Herdfabrik, Leer/Ostfriesland T (Plants for steel production and steel foundry).
August Engels A.G., Werk Dollingen, Dollingser Kreis Gandersheim T (Plant for steel production including Brackelsberg furnace).
Mieg Muehlenbau und Industrie A.G., Amme-Luthewerke, Braunschweig T (Two transformes and one electric smelting furnace).
Lindener Eisen- und Stajlwerke G.m.b.H., Hannover-Linden T (Open-hearth furnace and two electric smelting furnaces.)
Eisen- und Stahlwerk Pleissner A.G., Herzberg/Herz T (Electric smelting furnace)
Osnabruecker Kupfer und Drahtwerk Osnabrueck T (Steel wire drawing plant).

Metall Industry:

Vereinigte Leichtmetallwerke, Hannover-Lantzen.

Chemical Industry:

Donar G.m.b.H., Wesermuende,
Schickert Otto & Co., Ruhmspringe
Schickert Otto & Co., K.G., Bad Lauterberg

Machine Construction :

Burgmueller & Soehne, Kreienzen-Harz *
Engelke, Hannover-Limmer
G mag Maschinenfabrik, Busckoburg
Haevermeier & Sander, Hannover
Herfurth & Engelke, Braunschweig
Koch & Reitz, Hannover
Julius Meyer, Dampfkesselfabrik, Osnabrueck
H. Schluester, Neustadt

Electrical Industry :

Accumulatoren-Fabrik, Hannover-Stoecken T (Department for accumulators.)

Ship Building :

Kriegsmarinewerft Wilhelmshaven *

LIST OF DISSENTING

(page 1 of original, cont'd)
- 12 -

SCHLESWIG - HOLSTEIN

armament plants :

Anschuetz G.m.b.H.,
Berlin, Kreis Ploen *
Howacht *
Kiel-Neumuehlen *

Atlas Werke A.G. Elmshorn
Berlin Luebecker Maschinenfabriken Luebeck
Bohn & Koehler A.G., Ascheberg *
Deutsche Lufthansa A.G., Travemuende
Deutsche Waffen- und Munitionsfabriken A.G., Lauerhölzswald
Dynamit A.G., Lueneberg *
Kruemmel bei Hamburg *

Elektro Akustik A.G.
Kiel T (Detectors for sound waves, radar and infra-red rays.)
Neumuenster
Emil Schulz, Kiel *

Friedrich Meyer, Luetjenberg *
Heeresmunitionsanstalt Lockstedter Lager bei Itzehoe *
Holsteinische Maschinenbau A.G. (Holmag) Kiel-Friedrichsort T
(Torpedos, Diesel motors and cast iron).
Kriegsmarine Arsenal Kiel.
Land und Seeleichtbau G.m.b.H.
Werke I K und II K Kiel *
Werke III K Neumuenster *
Werke I N, II N, IV N, XI N, Neumuenster *
Werke VII N, Luebeck *
Werk VIII N, Schleswig *
Werk IX N, Rendsburg

Maschinen fuer Massenverpackung G.m.b.H., Luebeck
"Messap", Deutsche Messapparate, Kosarium, Uetersen *
Norddeutsche Lornier Werke G.m.b.H., Werke I, II, IV Luebeck *
Nordmark Geratebau, Boecklund *
Pinnau Werke, Uetersen-Waldmuehle *
Pommersche Motorenwerke Rissen bei Hamburg *
T (Aeroplane motors)
Torpedo Versuchsanstalt Eckernfoerde
Viking Werkstaten, Flensburg *
H. Walter K.G.,
Boimoor Weg und Hagen, Ahrensburg
Kiel-Tammenburg.
Hilman-Karlshuette K.G. Rendsburg * (Plants for Steel Production)

Chemical Industry :

Gustav Burmester, Trittau *

Precision mechanics and optics:

Anschuetz G.m.b.H., Landesjugendheim, Selent.
Phoenix G.m.b.H., Eutin *

LIST OF DISSENTING

(page 1 of original, cont'd)

- 13 -

H A M B U R G

Steel industry:

Avta Fabrik fuer Luftfahrtbedarf Hamburg *

Bloch & Voss

Finkenwaerder T (Manufacture of flying boats.)

Hamburg-Bahrenfeld *

(Stadtwerk) Hamburg *

Steinwaerder *

Hamburg - Weddel *

Continental Metallwerke A.G., Hamburg-Bahrenfeld *

Deutsche Messapparate Gesellschaft, Hamburg-Langenhorn

Ernst Pompe, Praezisionsmechanik, Hamburg-Fuhlsbuettel *

Feinmechanische Werkstatt (Wilhelm Lehmann & Co.,)

Hamburg - Schnelsen .

Hamburg - Bergedorfer Stuhlrohrfabrik (Rudolf Sieverts).

Hamburg-Bergedorf *

Hamburger Fahrzeugbau (Bloch & Voss), Glinde *

Hanseatische Kettenwerke (H & K), Hamburg *

Kloockner Flugmotorenbau G.m.b.H., Hamburg

Kurbelwellenwerk Glinde (Friedrich Krupp), Glinde *

Leichtmetallbau Wilhelm Schultze, Hamburg-Bahrenfeld *

Max Rentsch, Maschinen- und Zahnraederfabrik, Hamburg *

Metallwerk Neuengamme G.m.b.H., (Karl Walthor), Neuengamme *

Metallwerk Niedersachsen (Brinkmann und Mergell), Hamburg-Harburg

Paul Surenbrock, Hamburg *

Pressmetall G.m.b.H., Hamburg Bahrenfeld *

W. E. Puck, Hamburg *

Non-ferrous metal plants :

Hamburger Metallwalzwerke von Georg Dittmann, Hamburg-Billbrookdeich *

Chemical Industry:

Hugo Stolzenberg, Altona T (Department for the manufacture of gas masks)

Machinery construction:

L. Artmann, Hamburg

Barthels & Luoders, Hamburg

Gehr. Beehling, Hamburg

Lenziger Werft, Hamburg

Leicko & Kopperschmidt, Hamburg 21

Hanseatischer Lehnbau, Bergedorf

Junkers G.m.b.H., Hamburg-Wilhelmsburg

Kampnagel A.G. Hamburg, T (Overland conduits)

LIST OF DISMANTLING

(page 1 of original, cont'd)
= 14 =

Gehr. Leser, Hamburg
Hans Lutz, Hamburg
Monck & Hambrook G.m.b.H., Hamburg-Altona T (Plants for the
production of house and road-building tools).
Rudolf Otto Meyer Hamburg-Wandsbeck T (Plants for the manufacture
of ventilators, blowers, steam boilers, tanks and pipe-lines).
Ottenser Eisenwerk A.G., Hamburg-Altona.
Th. Rose KG., Hamburg-Altona T (Plants for appliances and accessory
parts.)
K.H. Staunau, Hamburg-Harburg
A. Stech, Hamburg

Precision mechanics and optics :

C. Plath, Hamburg-Bahrenfeld

Ship buildings:

Blohm & Voss, Hamburg *

B E R L I N

Spandauer Stahlindustrie G.m.b.H., Berlin-Spandau *

American Zone

B a v a r i a
Armament plants :

Franziskanerkeller Muenchen (Lornier Verlagerungsbetrieb *)
Mechanische Werkstaetten Ludwig Reith, Grossweil *
Oberlandhalle Miesbach, Miesbach *
Buchmann & Blumenthal (Bohm & Co.,) Asehaftenburg *
R. Chillingworth Press-, Stanz- und Ziehwerk, Nuernberg *
"Noris" Zuendlicht A.G., Nuernberg
Kehlheimer Parkettfabrik A.G., Kehlheim *
Reichsautobahn-Strassenmeisteroi, Siegsdorf *
Weilheimer Holzhaus- und Barackenbau, Weilheim *
Dornier Werke G.m.b.H.,
Hochandhalle, weilheim *
werk weilheim, weilheim *
Oberpfaffenhofen * Nouauring *
Aubing * Landberg *
Dornier Werke, Inzell *
Maschinenfabrik A. Schlueter, Freising * T (Aeroplano fuselages,
wings and accessories.)
Sperrholzfabrik August Moralt, Bad Toelz *
Hoerndl, Etterschlag *
Messerschmidt G.m.b.H.,
Flugzeugbau (6 Anlagen) Augsburg *
Flugzeugbau (5 Anlagen) Regensburg

LIST OF DISMANTLING

(Page 1 of original, cont'd)

- 15 -

Sinzing * Oberzell *
Bodenwoehr * Oberammorgau *
Pfreimd * Straubing *
Frontenhausen * Augsburg *
Neustadt * Eschenlohe *
Flossenbuerg *
Fabriken der G.m.b.H., zur Vorwortung chemischer Erzeugnisse,
Muenchen *

Bobingen *
Wolftratshausen *
Ebenhausen *
Aschau *
Heeresmunitionsanstalt, Strasse bei Guenzburg *
Lesching
St. Georgen Traunstein *
Wildflecken, Brueckenau *
Klein Kostz *
Deutsche Sprengchemie G.m.b.H., Goretzried-Wolfratshausen *
Kraiburg *
Collis Metallwerke G.m.b.H., Noerdlingen *
Helmut Sachse, Kempten *
Atlas Werke A.G., Zweigwerk Muenchen *
Mikronwerk G.m.b.H., Aschaffenburg *
Fruehwald & Jaeger, Eisen- und Presswerk, Nuernberg *
Bayerische Motorenwerke, Muenchen T (Aeroplans motors)
Muenchen Allach *
Dampfsaagwerk Grafenaschau *
Luftmunitionsanstalt Weichering
Oberdachstetten *
Fritz Sauer, Fabrik fuer Leucht- und Signalmunition Feuerwerks-
koerper, Augsburg-Gerstshofen *
Paraxol G.m.b.H., Werk Velden, Velden *
Werk Schrobenhausen *
Versuchswerk Kaufering der Spbngstoff-Versuchs-G.m.b.H., Kaufering *
Lynamit A.G., vorm. Alfred Nobel & Co.,
Fabrik Nuernberg, Nuernberg *
Werk Kaufering bei Landsberg *
Werk Stadeln *

Non-ferrous Metal Plants :

Heinrich Diehl Werk III, Moethenbach
Wieland-Werke A.G., Ulm-Voehringen T (aluminium, copper and
zinc manufactures).

Chemical Industry :

Anorgana G.m.b.H., Gondorf, 3 T (Part of the department for
Chlorine, Caustic Soda, Glycol and also the department
for acetaldehyde.)

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 16 -

Dr. Alexander Lacker, Burghausen, 2 T (Part of the production of plastics on the basis of cellulose acetates and part for the production of solvents).
I.G. Farben, Gersthofen T (Part of the wax factory).
Kopp & Co., Muenchen
Chemische Werke V. Transche & Co., Gersthofen
Vereinigte Flusspatwerke, Stullm, 5 T (Department for hydrofluoric acid, sodium fluoride, synthetic cryolite etc.)
Elektrochemische Werke, Muenchen T (Manufacture of hydrogen peroxide).

Machinery construction :

Geiseler, Muenchen
Leistritz Mafa, Nuernberg
Kugelfischer Schweinfurt *
MAN Augsburg T (Diesel machines)
Maschinenfabrik Beilhack, Rosenheim
Maurer, Muenchen
Ernst Reine, Nuernberg
Johann Schiesser, Nuernberg
Suodwerke, Bamberg
Schmidt & Sohn, Nuernberg
Ultrapraezisionswerk, Aschaffenburg
Bayerische Motorwerke, Muenchen I (Passenger automobiles and motor-cycles)
Herkules Werke G.m.b.H., Nuernberg T (Motor cycles)

Power Plants :

anorgana G.m.b.H., Gendorf *
Toeging, Toeging bei Muehlhof * T (Power plant).

H E S S E B

Armament plants :

Fabrik Hessisch-Lichtenau, Eschenstruth *
Henschel Flugmotorenbau G.m.b.H.,
Kassel-Altobauna* Hersfeld *
Ziogenhain * Melsungen *
Holzhausen * Wege *
Waldeck * Romsfeld *
Junkers Flugzeug- und Motorenbau A.G.
Werk Kassel, Kassel, Bettenhausen *
Werk II Veckershagen *
Junkers Flugzeug- und Motorenbau G.m.b.H., Ziogenhain *
Gerhard Fieseler Werke G.m.b.H.
Kassel-Bettenhausen * Lohfelden *
Frankenberg* Moenchdorf *
Eschwege * Witzonhausen *

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 17 -

Continental Metall A.G., Oberursel *
Heddernheim * Gross-Luheim *
Graevenwiesbach * Langenaubach *
Fabrik Hessisch Lichtenau, Fuerstentagon - Kassel *
Pulverfabrik Hassloch G.m.b.H., Hassloch *
Fabrik Allendorf der G.m.b.H. zur Verwertung chemischer Erzeugnisse
Allendorf *
Paraxol G.m.b.H., Werk Lippoldsberg, Lippoldsberg *

Steel Industry :

Haas & Sohn, Sinn T (One two-ton transformer for steel production.)
Französische Eisenwerke, Niederscheld T (One two-ton transformer
for steel production).
Hoeschling Budorus, Letzlar T ((One 20-ton electric smelting furnace)

Non-ferrous metal industry :

Kurhessischer Schieferbergbau, Sontra T (Smelting equipment)
V.D.M. A.G., Heddernheim T (Recovery of aluminium, copper, brass and
magnesium products).

Chemical Industry :

Kalle & Co., A.G., Wiesbaden T (Part of the production plants for
methyl, ethyl and cellulose products)
Chemische Werke Kurt Albert, Wiesbaden T (Parts for phenoplast and
artificial copal resin).
M. Kappus, Offenbach
I.G. Farben, Hoechst T (Parts of the production plants for uresino,
polyvinyl acetate, solvents, Linitro-benzole and carbosin and
black sulphur.)
I.G. Farben Sauerstoffwerke Kassel-Mittelfeld
Griesheim
P.S. Mohs, Giessen/Lahn, zwei Fabriken
Roehm & Haas, Larmstadt T ((Plant for soap pow_der)

Machinery construction:

Kloekner-Humboldt-Lentz, Oberursel *
Fried. Krupp, Geisenheim
H. Levia & Soehne, Offenbach
Maschinenfabrik Wiesbaden
Mueller & Wagner, Wallau
Rheinhuette, Wiesbaden
Schielo, Eschhorn
Stoehr, Offenbach
Adler Werke, vorm. Klover A.G., Frankfurt T (Passengers cars).

LIST OF DISMANTLING

(Page 1 of original, cont'd)

- 18 -

Lr. Ing. Heymans, Auorbach b. Darmstadt
Hensoldt Werke in Herborn *

WUERTEMBERG - BADEN

Armament Plants :

Deutsche Waffen- und Munitionsfabriken A.G., Grotzingen *
Colhs Metallwerke G.m.b.H., Reichenbach - Aalen *
Kloockner-Humboldt-Loetz A.G., Werke Ulm, Ulm a.d. Donau *
T (U-boat parts).
W.A.W. Schenk, Leichtgusswerke K.G. Maulbronn *
Luftfahrtgeraetebau Gebr. Haage, Stuttgart-Vaihingen *
Hans Klemm, Flugzeugbau, Boblingen *
Elma G.m.b.H., Weiblingen *
Gustav Genschow & Co., A.G., Karlsruhe-Lurlach *
Daimler-Benz A.G., (Goldfisch G.m.b.H.) Neckarelz-Obrigheim/Neckar *

Steel industry:

Billingerhütte, Mannheim T (One two-ton transformer)

Non-ferrous metals industry

Elektron G.m.b.H., Bad Cannstatt

Chemical Industry :

Deutsche Pyrotechnische Fabrik, Glocbron
Kraemer & Flemme, Heilbronn
Saline Ludwigshall, Bad Wimpfen

Machinery Construction:

H. Frank G.m.b.H., Mannheim-Birkonau
Fulmine-Werke (Pfeil) Mannheim
Hommel-Werke, Mannheim
Kiefer, Maschinenfabrik, Stuttgart
Klein, Oberpresslingen
Mahler, Esslingen
Meissner & Lurst, Stuttgart
Ortlieb & Co., Esslingen
Rohleder, Kesselschmiede, Stuttgart
Saeuferer & Co., Plochingen
F. R. Schuler, Muehlacker
Stiefelmeyer, Esslingen
Streicher, Bad-Cannstatt
Sueddeutsche Arguswerke, Karlsruhe
Sueddeutsche Praezisionswerke, Geislingen
Gebr. Wagner, Stuttgart
Ad. Zeiser, Stuttgart
Bohner & Koehle, Maschinenfabrik A.G., Esslingen

LIST OF DISMANTLING

(page 1 of original, cont'd)

- 19 -

Inox-werke, Esslingen *
Fritz Mueller, Esslingen *
Schmidt & Schaudt (vorm. Unger) Stuttgart
Vorrichtungsbau Haelber, Ludwigsburg.
Motorenfabrik Wilhelm Gutbrot, Stuttgart, Feuerbach
Kodak A.G., Werk Einsingen, Einsingen

Power plants :

Grosskraftwerk Mannheim A.G., Mannheim-Neckarau T (Only power plant).

B R E M E N

Armament Plants :

Focke-Wulff Flugzeugbau G.m.b.H., Bremen
"Weser" Flugzeugbau G.m.b.H., Bremen
Theodor Klatt, Auchtung
Carl F.W. Borgward, Auto- und Motorenwerke, Bremen T
(Torpedos)*

Foundries :

Norddeutsche Huette A.G., Oslebshausen *

Power Plants:

Hastedt Dampfkraft Bremen *

Ship building :

Deutsche Schiffs- und Weser-Maschinenbauwerke, Bremen *

B E R L I N

Fritz Werner, Berlin T (Werkzeugmaschinen)

LIST OF LISMANTLING

CERTIFICATE OF TRANSLATION

21 April 1948

I, John Fosberry, No. 20 179, hereby certify that I am
thoroughly conversant with the English and German languages
and that the above is a true and correct translation of
List of Lisnantling.

John FOSBERRY,
No. 20 179.

I, Dr. Walter Siomers, Attorney in Hamburg, at present
Defense Counsel before the American Military Tribunal in Nuernberg,
herewith certify that the enclosed copy is truly consistent with
the article

"767 plants made available for reparations"
published in the "Neue Zuericher Zeitung", fourth year, number 10,
Thursday 5 February 1948.

Nuernberg 7 February 1948

signed: Dr. Siomers

Excerpt from:

"Die Neue Zeitung"

An American Newspaper for the German Population

Thursday 5 February 1948 4th Year/Number 10.

767 plants made available for reparations.

Berlin (Neue Zeitung).- Up till 31 December 1947, 767 plants have been made available in the three western zones for reparation purposes. According to information of the US Military Government, 84 of them are in the French-, 187 in the American- and 496 in the British Zone. All machine tool plants in the Bi-Zone, suitable for the peace-time production, as well as the installations from the 327 plants which had been earmarked prior to September 1947 by the coordinating committee of the Allied Control Council as advance shipments, fall under this regulation. An additional 356 plants, although they are peace-time plants, were nevertheless declared surplus and were likewise dismantled on the basis of the industrial capacity which was fixed for the Bi-Zone. The value of the industrial installations, which up to the present time have been put at the disposal of the Inter-Allied Reparation Committee from the American Zone, amounts to 137 Million Mark. 85 % of these installations have already been distributed to 18 Allied governments. The liquidation of plants, which were constructed exclusively for armament purposes of category I, continues in the US-Zone according to plan. Out of a number of 130 such plants 92 have already been dissolved completely and the installations for the production of arms have been destroyed. Until June 30th the liquidation of the remaining 38 plants is to be completed.

DOCUMENT BOOK 8 SCHNITZLER

Doc. No. 148

Weiss (Flick) Doc. No. 1187

I, Dr. Walter Siemers, attorney in Hamburg, at present defense counsel
before the American Military Tribunal in Nuernberg, certify herewith
that the attached copy agrees verbatim with the article:

"The Position in Industrial Dismantling".

in

"Handelsblatt"
Business Paper for Western Germany

Year 2, Thursday, 17 July 1947

No. 28

Nuernberg, 4 Jan 1948.

(Dr. Siemers)

HANDELSBLATT

Westdeutsche Wirtschaftszeitung

By Licence No. 42 of the Military Government.

Thursday, 17th July 1947.

The Position in Industrial Dismantling.

Dismantling Danger in 1900 Factories -
Questions not cleared up -
High Costs of Dismantling in the British Zone.-

In accordance with the Potsdam Agreement there are in the combined western Zones 720 factories which are definitely earmarked for purposes of reparation. Moreover, another 1200 factories are listed. This means exactly that under certain circumstances the 1200 factories will be used for reparation purposes. As, however, the economic development since Potsdam has clearly proved that there is a discrepancy which cannot be compensated between the industrial level allowed for at Potsdam and the standard of living also allowed for, it can and must logically be taken into account that there will be revisions. This should be taken into consideration in judging the published lists of reparations.

In spite thereof, these 1900 factories will not remain the only ones which are in danger of being dismantled. There is a reserve list of industrial plants, the number of which is unknown to German authorities. The factories mentioned therein can, in certain circumstances, for any reason whatever be exchanged against factories which may drop out of the first two lists.

Certain plants which have a special priority of urgency will be dismantled in any case. Apart from these "advanced reparations" the factories producing war material and armaments will in any case have to count on falling within the framework of reparations. It is understandable that the definition of factories producing war material and armaments is in this respect extremely difficult and often doubtful, a disadvantage which can only be removed by a clear definition.

Differences in the Zones.

There is great difference in the way the reparations dismantling is being handled in the individual zones. In the American Zone only those war- and armament factories are considered for dismantling, as come within the "Reparationsstopp" ordered at the time by General CLAY, and which is being strictly adhered to. According to the directives of the Military Government of the U.S. Zone, the dismantling there is carried out by German authorities. The Prime-Ministers of the South-German States have to undertake this task, but, they can, on the other hand, take care that the dismantling is being carried out in as sensible a way as possible. The dismantling has besides been carried out quickly and has made comparatively good progress.

In the British Zone the dismantling is supervised by the RD and R. This British agency uses German firms for the dismantling tasks. So far, hardly any German agencies have been put in. This procedure is the cause that the costs of dismantling are in part extremely high,

as there is no control whatever by German agencies which would sooner be able to obtain an exact knowledge of the actual cost than the British authorities who are strangers here. In the interests of the German economy the use of German agencies would therefore be welcomed and desirable. The total costs of the dismantling in the British Zone exceed even now those of the U.S. Zone; and, moreover, the dismantling has not yet progressed as far as in the South, although no "Reparationsstopp" was proclaimed in the British Zone and dismantling continues. It may be mentioned that a number of the most valuable machines has, over and above the usual dismantling, been affected by the dismantling. Great losses are thus incurred by the German economy.

Special Machines given preference in Dismantling.

In the French Zone industry has been very seriously affected by the dismantling. In judging this one should not proceed from quantities, but one should consider that, in the first place, particularly valuable special and critical machines are affected. As a chain is as strong as its weakest link, the removal of one single special machine can shut down an extensive production - circumstances which should always be taken into consideration in the evaluation of figures. 80 % to 100 % of all processing machines which are less than eight years old, and 15% to 20 % of machines less than 15 years have been affected by the dismantling. In many branches of industry this has made it impossible to carry out any precision work. Similar conditions prevail in the textile industry which has been greatly harmed by the removal of more than 50,000 spindles out of a total of 350,000. The production of useful goods for export has become illusory on account of the fact that in the weaving mills 70% of the machines has been dismantled. Altogether approx. 2,000 modern machines of the textile industry have been handed over. The dismantled machines have been put at the disposal of the French industry. It is not the task of German authorities to judge to what extent this dismantling is being charged on the reparations' account. In any case, the fact cannot be overlooked that further dismantling in the French Zone would very soon cripple the industry.

The greatest progress in dismantling has been made in the Russian Zone where according to a report in the "Manchester Guardian" the following amount of dismantling has been carried out: ironfoundries and rolling mills 80%; the same percentage in the heavy industry and electro-technical industry. Motor industry, industry of precision and optical instruments 75%; ply-wood industry 100 %; industry of rubbers goods 90%; dismantling in the field of cement industry, of machines producing glass, ceramics and wooden articles, and in the sulphuric acid industry amounted to 60%; in the nitrogen industry to 65%, in the artificial silk, textile and leather and shoe industries to from 30 % to 40%. These figures show immediately that the dismantling in this zone considerably exceeds the rate laid down in Potsdam.

Questions of Evaluation.

This general survey only shows a few of the problems. Many other questions need careful examination and elucidation, before a German

peace time economy can be built up. The question of the evaluation of the reparation deliveries played already an important part after the first World War, and indeed one of the reasons why many calculations as performed often differed more than 100%. What values should be placed on account? Only values which can be proved by proper documents. (Partly the Russian procedure), the value per ton or as scrap, the actual economic value, the value for re-procuring etc.?

The carrying out of the restitution is accompanied by problems which also await a uniform solution. To mention only one, the - apparently unjustified - possibility of dealing with machines, which were temporarily utilized in an occupied region and would solely for that reason be subject to being removed from Germany. In this connection one should not omit to state the removal of the spiritual property which is of the greatest importance for the German economy. In England there are at the moment 2,000 special reports on individual branches of industry and special departments, the number of these reports in the USA is said to amount to 400,000. Nothing can be altered to the fact that the majority of German patents has thus lost all protection. The question of the evaluation of the profits gained therefrom by the Allies, and the losses to the German economy, is however of the greatest importance.

No Superimposition of foreign forms.

New directives for General Clay.

The government of the USA has issued new directives to the Military Governor of Germany, General Clay, for the accomplishment of his task, which are to be followed until practical measures have been taken to treat Germany as an economic and political whole. It is emphasized in the directives that the American government does not desire to impose its own forms of democracy, which are a historical development, upon Germany, and that other foreign forms are also not to be imposed. It is recommended to the Military Governor that he support the development of federal states in Germany and the creation of a central German government. The American government asks further that the Control Council should develop a program for the production and foreign trade of all of Germany. This program should raise the German standard of living and make it possible for German exports to cover the cost of permitted imports and services of other countries. Over and above this, the occupation powers are to ^{be} reimbursed in full for expenses incurred through the importing of goods necessary to maintain life. It is the job of the Military Governor to help the German people to develop a balanced foreign trade. The size of German industry which has been determined upon as a base for the dismantling program for reparations, is not to represent the permanent boundaries of German industrial capacity.

- 4 -

The Governor should support a financial reform in the Control Council which provides for a considerable decrease of the money in circulation, i.e. the cash claims, including public and private debts.

I, Dr. Walter Siemers, attorney in Hamburg, at present defense counsel before the American Military Tribunal in Nuernberg, herewith certify that the attached article:

"Krupp to be shut down in 14 days"

has been copied verbatim from the newspaper:

"Die Neue Zeitung"

An American newspaper for the German people

4th year, No. 18

Thursday, 4 March 1948

Nuernberg, 24 March 1948.

(Dr. Siemers)

Excerpt from:

"Die Neue Zeitung"

An American Newspaper for the German people.

4th year, No. 18.

Thursday, 4 March 1948

Krupp to be shut down in 14 days.

Essen (NZ)

All of the plants of the Firma Fried. Krupp A.G. that are still in operation, with the exception of the special steel plant Widia, the department for locomotives and railway coaches (Lowa) and the electrical installations, must be shut down within 14 days, according to a notice given the Krupp firm by the competent Allied control officer. A meeting of plant representatives of the Krupp firm protested against the shut-down, which would deprive the workers of the means of existence. The city of Essen will take a stand to this measure after consultation with the political parties and the trade unions. According to a further report of the "Neue Zeitung", the agricultural machine plant is also hit by the dismantling program. This hurts all the more since at the present time there are over 150,000 agricultural machines in the British zone that are in need of repair, which work cannot be taken over by other plants.

DOCUMENT BOOK 8 SCHNITZLER

Doc. No. 150

Weiss (Flick) Doc. 1258

I, Dr. Walter Siemers, Attorney in Hamburg, at present Counsel for the Defense at the American Military Tribunal, Nuernberg, herewith certify that the attached document is a true and correct copy of the article

"Echo of the Industrial Plan"

- 50% increase in coal export prices -

in

Wirtschaftsrevue
(Economic Review)
Economic Weekly

Edition D

No. 47/2nd year Constance/Lake Constance, 6 September 1947.

Nuernberg, 2 January 1948.

(signed:) (Dr. Siemers)

Excerpt from

Wirtschaftsrevue

(Economic Review)
Economic Weekly.

Edition D.

No. 47 - 2nd year
Echo of the industrial plan

Constance/ Lake Constance, 6 Sep 1947

.....
50% increase in coal export prices.

Military Governments of Bizonia have now decreed the long expected increase in coal export prices as of 1 September 1947. According to the new export^{price}/list, present export prices of approximately \$ 10.50 per ton have been increased by about 50%. These new prices are, however, still below export prices in other European countries where, for example, American coal costs \$ 18 plus freight. Anthracite prices f.o.b. German seaports, Rotterdam, Antwerp or frontier are between \$ 14.50 and \$ 20.00 where as coke prices are between \$ 19.00 and \$ 21.15. In the case of shipments to France, Switzerland, Belgium and Holland from Duisburg and the Rhine ports a decrease of \$ 1.10 is to be made. The significance of the new decree is shown not least by the fact that coal exports constitute about 50% of the entire German export trade.

The French representative General KONIG, protested in the Allied Control Council against the increase in the price of Ruhr coal stating that France would have to pay a higher price for Ruhr coal than for her own. The British

- 2 -

representative replied that German coal prices had hitherto been below world market prices. British representatives pointed out that the question of coal prices could be raised any time by the commission of experts.

DOCUMENT BOOK VIII SCHNITZLER
DOCUMENT No. 151

Weiss (Flick) Doc. No. 1195

I, Dr. Walter Siemers, attorney at law in Hamburg, at present Defense Counsel before the American Military Tribunal in Nuremberg, hereby certify that the attached copies conform to the following articles:

1. "Dismantlings in the U.S. Zone" in "Die Neue Zeitung" - An American Newspaper for the German People - 3rd Year/No. 57 of 18 July 1947.
2. in "Die Neue Zeitung" - An American Newspaper for the German People - 3rd Year/No. 60 of 28 July 1947.

Nuremberg, 4 January 1948

(Dr. Siemers)

1. Excerpt from:

Die Neue Zeitung

An American newspaper for the German population

Third Year/ No. 57

18 July 1947

Dismantling in the US-Zone. Berlin (NZ)-

During the month of June 14 nations received equipment from German armament plants of the U.S. Zone. This raises the total of the dismantled equipment to 69,000 tons, valued at 53,7 Mil. Marks. Among the plants, scheduled for dismantling beginning in June is to be found the "Nordische Stahlhütte"; approx. 40,000 tons of its equipment will be delivered to France and India.

2. Excerpt from:

Die Neue Zeitung

An American newspaper for the German population

Third Year/ No. 60

28 July 1947

Siegen (NZ)

In a few days work will begin on dismantling the largest German rolling mills, the works Eveking, producing semi-finished products, located near Verdol/Westphalia and belonging to the Vereinigte Stahlwerke, A.G., Frankfurt/Main.

It is said that the rolling mills, producing metal bands and having a value of 200 Mill. Marks, will be shipped to England.

DOCUMENT BOOK VIII-SCHNITZLER
DOCUMENT No. 152

I, Dr. Walter S i e m e r s, attorney at law in Hamburg, at present Defense Counsel before the American Military Tribunal in Nuernberg, hereby certify that the attached copy conforms literally to the article

"Capacity of L.G. Farten

Reduced to One-Fourth"

in "Die Neue Zeitung". An American Newspaper for the German People.
3rd Year/ Number 44, of 2 June 1947

Nuernberg, 20 January 1948

(Dr. Siemers)

Excerpt from:

"Die Neue Zeitung"

An American Newspaper for the German People

3rd Year/ Number 44

2 June 1947

"Capacity of I.G. Farben

Reduced to One - Fourth"

Frankfurt, 1 June 1948

Authoritative American quarters declared that as a result of the effects of the war and the decartelization in the U.S. Zone the I.G. Farbenindustrie can only attain 25% of its peak capacity for the wartime years. This statement is a reply to reports from New York that I.G. Farben had lost only 13% of its capacity. James A. Chance of the Finance Department of the U.S. Military Government stated that 72 plants of the I.G. Farbenindustrie in the U.S. Zone had suffered war damage. Of these 38 were damaged 50% or more, whereas in the case of 18 the damage was so great that no production at all is possible any more. There are about 260 I.G. plants located in the U.S. Zone; of these 60 are again in operation under trustees assigned by the Military Government. The remaining 200 are separated from the Konzern and continue to exist as independent firms, or are being sold as real estate. After dismantling for the reparations account the remainder of the I.G. enterprises in all four zones will be able to operate at 38% of their peak production in wartime and at 75% of their capacity in 1938. However, production will no longer be merged in one Konzern.

- 2 -

According to statements by the American Military Government the assets of I.G. in the three Western zones in wartime amounted to a total of around 2 billion marks. 16% of their value has been lost through destruction. In the Eastern zone the assets amounted to over 2,6 billion marks before 1945 and war losses to about 10%.

I, Dr. R. W. Mueller, at present Defense Counsel before
the American Military Tribunal in Nuernberg, hereby certify that
the attached article:

Chemical Exports of U.S.A. Four Times as
High as Before the War

is copied literally from the

"Rhein-Neckar Zeitung" of 1 January 1948

Nuernberg, 4 March 1948

signed; signature

(Dr. R. W. Mueller)

Excerpt from

"Rhein-Neckar Zeitung" of 1 January 1948

"Chemical Exports of U.S.A. Four Times as high as before the
War"

Well informed circles in the American chemical industry estimate that exports of chemicals from the U.S.A. for 1947 will reach the enormous figure of 800 million dollars. That is around four times as much as before the war. After the elimination from the world market of the German I.G. Farben Konzern, which was hitherto the largest chemical suppliers, the U.S.A., with its rich natural resources, is the only country in a position to satisfy the accumulated demands of the war and postwar years, since because of their general scarcity of raw materials the European countries are ruled out of production for the foreign market. In 1938, with chemical exports amounting to 263 million dollars, Germany stood far ahead of all countries. Next came the U.S.A. with 157 million dollars, then Great Britain with 131 million dollars. At an interval followed France with exports of 90 million, Belgium with 62 million, Holland with 34 million dollars. While in the meantime the U.S.A. has considerably surpassed Germany's prewar exports, according to American views the question still remains entirely open as to what position the American chemical industry will achieve as soon as the European producers again appear on the world market.

I, Dr. Rupprecht von K e l l e r, Defense Counsel before the
American Military Tribunal in Nuernberg, hereby certify that the
attached article:

"Sale of German and Japanese Property in
America"

is copied literally from the newspaper:

"Neue Zuercher Zeitung"

No. 27

of 28.1.1948

Nuernberg, 21 March 1948

signed: signature

(Dr. R. v. Keller)

Excerpt from:

"Neus Zuercher Zeitung"

No. 27

of 28.1. 1948

Sale of German and Japanese Property in America

Washington, 27 January (Reuter). The House of Representatives has approved a bill according to which German and Japanese property valued at 250 million dollars which was seized in the United States is to be sold. The bill now goes to the Senate. A part of the proceeds is to be spent for the benefit of American war victims. No indemnification will be paid to the original owners. In Washington it is pointed out that the law is not contrary to the rules of international law. 50 million dollars are to be paid as indemnification to the 6000 persons who were mistreated by the Japanese on the Pacific islands.

Weiss (Flick) Doc. No. 1204

I, Dr. Walter S i e m e r s, attorney at law in Hamburg, at present Defense Counsel before the American Military Tribunal in Ruernberg, hereby certify that the attached copy conforms literally to the article:

"The Claims of France to Kehl"

in

"Die Neue Zeitung"

An American Newspaper for the German People

3rd Year/ Number 56

14 July 1947

Ruernberg, 7 January 1948

(Dr. Siemers)

Excerpt from:

Die Neue Zeitung

An American Newspaper for the German population

3rd Year/No. 56

14 July 1947

The Claim of France to Kehl

Disguised annexation intentions - The importance of the Rhine Port.

NZ Lahr (Baden), 13 July

At the Moscow Conference the French Foreign Minister Georges BIDAULT claimed the Port of Kehl. He declared that this port is the natural complement to the Port of Strassburg. The French claims are of a purely economic nature. Geographically, this claim is in no way clearly justified because the Rhine flows between the ports of Strassburg and Kehl. According to reports a canal is being planned, going around the city of Kehl and its port, thereby changing Kehl into an island in the Rhine. It seems as if France not only claims the port of Kehl but also the City of Kehl. Such annexation intentions are indicated by the fact that already a year ago the customs frontier was separated from the Rhine and was routed around Kehl through Baden territory.

It is not known whether this procedure is based upon a decision of the Allied Control Council. The French intentions, however, seem to go still further. The population, consisting of about 12,000 people, which fled from Kehl for reasons of war in November 1944, has yet not been allowed to return to the city. The empty apartments have been occupied with French civilians.

- 2 -

Their number is estimated to be about 10,000. Since property claims could not be registered at the time of the invasion of the French troops, France considers all property found in the City as booty for which, based upon a special decree, neither requisition receipts nor cash payments are granted. Because of a very strict censorship these facts have hardly become known so far.

Formerly, 20 large - 104 medium- and 173 small factories were located in Kehl, thousands of workers from the city itself and the suburban country communities found work there. The separation of this industrial center caused the economic ruin of the entire district of about 40,000 inhabitants. The reasons for the importance of Kehl are the Rhineport and the communication center. It is the largest port of re-shipment in South Baden and the only German Rhine port in the Southern French Zone. The re-shipment figures, 188,986 tons in 1923 and 2,137,177 in 1937, show that Kehl with its favorably located port could - if necessary - also exist without Strassburg.

Document Book 8 Schnitzler

CERTIFICATE OF TRANSLATION

I, Fred Salomon, Frank Freudenthal, Adolph Lusthaus,
John B. Robinson and Joseph A. Goesser hereby certify
that we are duly appointed translators for German
and English languages and that the above is a true and
correct translation of the Document Book 8 Schnitzler

Fred Salomon
A-445622

Frank Freudenthal
B 243986

John B. Robinson
E-046350

Joseph A. Goesser
D 397993

Adolph Lusthaus
B 398010

MICROCOPY

892

ROLL

93

END

